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ELITE LAW SCHOOLS: 0
PETER BERKOWITZ • TERRY EASTLAND

the weekly

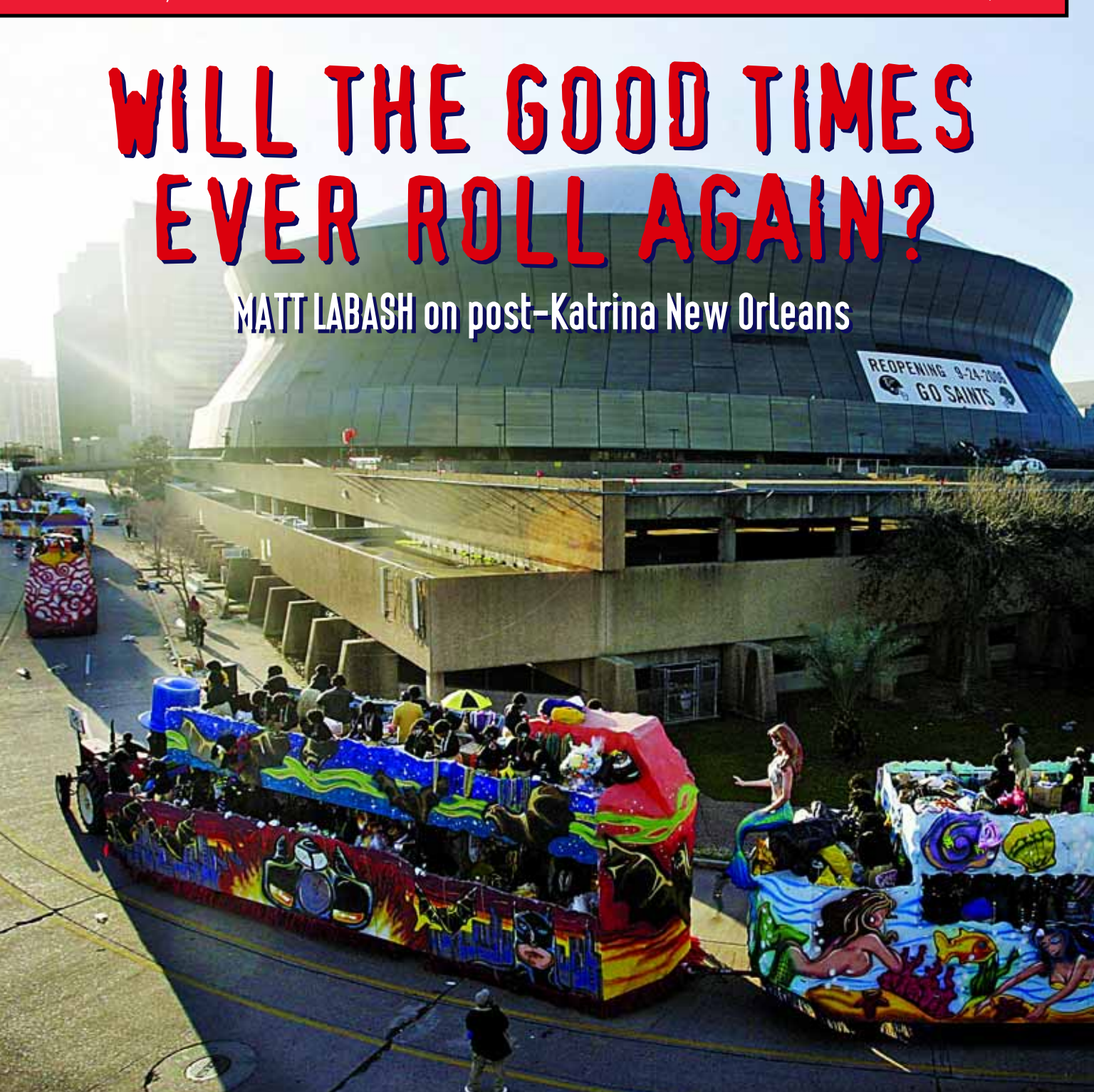
Standard

MARCH 20, 2006

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WILL THE GOOD TIMES EVER ROLL AGAIN?

MATT LABASH on post-Katrina New Orleans



going beyond

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Critical Reading from Hoover

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- presents new evidence for the need to create a domestic intelligence agency separate from the FBI, and a detailed blueprint for such an agency
- exposes the inadequacy of the national security computer networks
- examines critically Congress’s performance in the intelligence field, and raises constitutional issues concerning the respective powers of Congress and the President
- emphasizes the importance of reforms that do not require questionable organizational changes

Richard A. Posner is a judge on the U.S. Court of Appeals in Chicago and a senior lecturer at the University of Chicago Law School. He is the author of Remaking Domestic Intelligence.

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Profumo After the Affair

THE SCRAPBOOK is feeling especially decrepit at the moment, having just learned of the death of John Profumo at 91. Profumo, as readers of a certain age will recall, was the British secretary of state for war who carried on an affair with a winsome young woman named Christine Keeler who, as it turned out, was spending quality time with a list of prominent personalities in London—including the Soviet naval attaché. When the subject was raised in the House of Commons, Profumo declared that there was “no impropriety” in his relations with Miss Keeler; but at a later date, he confessed that he had misled his colleagues in Parliament, and resigned his office and seat.

It would be an overstatement to say that the Profumo Affair, which exploded in the late spring and summer of 1963, brought down Prime Minister Harold Macmillan, who quit that October on grounds of ill health; but it is

fair to say that it severely injured his government and the Conservative party, which narrowly lost the next year’s general election.

The details of the Profumo Affair are well known, and have been the subject of innumerable books and a popular movie, *Scandal* (1989), where the part of John Profumo was played by Sir Ian McKellen. But two observations about the case deserve to be made now that Profumo has died.

First, a thorough investigation revealed that Profumo, who had served bravely and gallantly in the Second World War, never shared confidences about matters of state with Keeler that she might have passed on to the Soviet naval attaché. (The political scandal, after all, was about national security, not extramarital sex.)

Second, once he had confessed wrongdoing, apologized to the House of Commons, and resigned his seat,

Profumo turned up a few days later at Toynbee Hall, a charitable institution serving the poor and disadvantaged in London’s East End, asking to help clean up. For the next four decades he deployed his considerable skills to raise funds and dramatically expand Toynbee Hall’s social services while remaining resolutely silent about the events which had ended his promising political career.

No self-pitying memoir, no public recrimination, no ex post facto justification, no testing the electoral waters, not even a slot on a TV reality show. Just the quiet, and immensely dignified, determination to redeem himself for conduct that, to contemporary eyes, must look comparatively benign. In 1995, at her 70th birthday dinner, Margaret Thatcher, who had invited John Profumo to attend, sat him next to Queen Elizabeth, and pronounced him “one of our national heroes.” ♦

Con Job

THE SCRAPBOOK’s manners are impeccable, as readers are aware, and we would never, ever, under any circumstances, make light of anybody’s personal or medical distress for the sake of putting things in historic perspective. We repeat that credo to ourselves, periodically, as a matter of principle.

On another matter, we couldn’t help noticing a sad story in the *Los Angeles Times* about Dr. Louis A. Gottschalk, founding chairman of the Department of Psychiatry and Human Behavior at the University of California at Irvine. It seems that Dr. Gottschalk’s son, who is also a physician, has petitioned the Orange County Superior Court to remove his father as administrator of the \$8 million Gottschalk family part-

nership. The reason? Over the past 10 years, the senior Dr. Gottschalk has lost an estimated \$3 million of his family’s assets to Nigerian Internet scams.

Readers with email will know about those delightfully incoherent letters, usually from the relative of a mythical cabinet minister of some West African regime, who has been entrusted with vast sums of money but needs a safe place overseas to deposit the cash. Generous Americans are invited to respond with pertinent details about their own bank accounts, where their new African pen pals will wire the money and offer a substantial cut of the windfall as a reward.

THE SCRAPBOOK has often wondered who, in their right mind, would ever fall for such a crude, obvious—even laughable—scheme. According to the National White Collar Crime Cen-

ter, very few Americans do, and the median reported loss for the unfortunate handful is \$5,000. But Dr. Gottschalk is one of the few, and over the course of a decade, his \$3 million deficit has probably set some sort of record in the Nigerian Internet sweepstakes.

Which prompts us to ponder the wondrous sense of irony possessed by the gods. For this is the same Dr. Louis Gottschalk who, in 1987, reported to the world that his study of Ronald Reagan’s speech patterns in the 1980 and 1984 presidential debates revealed that Reagan’s “cognitive impairment scores taken over time . . . showed a significant increase.” In other words, according to Dr. Gottschalk, not only was President Reagan a bad president, but a senile one as well.

Think what you will about the late



Ronald Reagan, he never bet the ship of state on a self-evident con, and in foreign affairs, he was never outfoxed or stolen blind by the likes of the favorite nephew or grieving widow of a former Deputy Assistant Sub-Minister of Finance in Evelyn Waugh's Azania. Nor would he ever have stooped to accuse his critics of mental illness. But as Dr. Scrapbook would say: The cognitive impairment of Louis Gottschalk's savings account has shown a significant increase. ♦

The Limits of Reform

In January, when the lobbyist Jack Abramoff pleaded guilty, in two separate investigations, to five counts of

conspiracy, wire fraud, and mail fraud, former Speaker of the House Newt Gingrich issued calls for reform. On January 4, for example, he told CBS's Bob Schieffer that "the Abramoff scandal is the latest signal of just how unhealthy and how dysfunctional Washington, D.C., has become." It was the same message that Gingrich, in the months since Abramoff's plea agreement, has told audiences across the country: The GOP, in the wake of scandals, must return to its reformist, anti-establishment roots.

On March 3, however, Ralph Reed, who is running to win the Republican nomination for lieutenant governor of Georgia—the primary is July 18—sent out a press release touting a fundraiser his campaign had held the week before. Not long ago, you may recall,

Reed's consulting company took more than \$4.2 million from Abramoff—a longtime friend—to help shut down casinos that weren't clients of Abramoff's. The Abramoff lucre, and Reed's less-than-forthright public statements about his work in behalf of Abramoff's casino clients, has become an issue in the Georgia primary.

Which is where things get interesting. According to the release, the featured speaker at the fundraiser was none other than . . . Newt Gingrich, who told the audience that Reed "has the kind of talent, he has the ability to think strategically and to work operationally to make things happen." Furthermore, Gingrich said, "Having Ralph as lieutenant governor would be an extraordinary asset here, but also across the whole country."

Last week, when two reporters for the *Atlanta Journal-Constitution* asked Reed's campaign manager if Gingrich has endorsed Reed, the reporters were told to ask Gingrich's spokesman. Gingrich's spokesman, who previously has denied that the former speaker has endorsed Reed, told the reporters that the "release speaks for itself." Sure it does. But what is it saying? ♦

Show Biz Update

When George Clooney accepted his Oscar for best actor in a supporting role earlier this month, he mentioned that "we are a little bit out of touch in Hollywood every once in a while. I think it's probably a good thing. . . . This Academy, this group of people, gave Hattie McDaniel an Oscar in 1939 when blacks were still sitting in the backs of theaters."

In the midst of all the self-congratulatory back-patting, he omitted one relevant detail: McDaniel and her guest were forced to sit by themselves during the ceremony—in the back of the hall. ♦

Casual

OWNERSHIP SOCIETY

Sometimes words tell the truth on purpose; sometimes they give it away by accident. Both things happened last week in mid-Palo Alto, down the road from Stanford University, ground zero of Silicon Valley—where pale pink plum-blossoms bloom in February and Ferraris are as common as Pontiacs in Peoria. I was having lunch with two colleagues: two talented, ambitious, successful young men who have put together an imposing new company to build software for defense and security purposes. “I think we can do some good for our country,” one of them said.

Just a casual statement; a hope we all three shared. But I nearly jumped out of my pants. Among technology researchers and entrepreneurs, America is rarely called “our country.” In the intellectual world at large, it happens even less.

Most culture leaders and Boss Intellectuals seem to have no sense of ownership in America. If America belongs to them and they to America, they rarely say so. And those who have no sense of propriety and of what’s appropriate equally have no sense of property and of what is proper. If you don’t own the place, you don’t make the rules. And often you don’t care about the rules.

Since many intellectuals don’t feel that the United States belongs to them, it’s no surprise that they don’t give a damn for propriety where the United States is concerned. If it is “improper” for Americans to defame a president on a foreign stage, or spread rumors that are dangerous to Americans abroad, or strive to convince our enemies to hold out just long enough for U.S. public resolve to crumble and U.S. troops to be with-

drawn . . . American intellectuals on the whole aren’t likely to condemn any of these things, or to see anything wrong with them.

Why should an establishment intellectual (unlike the average citizen) have no property sense in America, no sense of proprietorship or belonging? The answer is complicated, but Vietnam must be a factor. Many of today’s senior intellectuals



were draft-age during Vietnam, and managed to get out of serving. Vietnam was a *Working-Class War*—Christian G. Appy published a book by that title in 1993. (I was too young to serve, but have no grounds for thinking I would have behaved any better than my elders.) Many of those who should have served and did not carry guilt around for the rest of their lives. It’s the least they can do. It is a strange, choked sense of honor that makes so many intellectuals feel unworthy to be part owners and full citizens of their own nation.

There’s another, more specific sense of absent propriety among America’s Boss Intellectuals and academic leaders. Many have no sense of ownership in the American university either. Therefore they have no sense of propriety regarding the uni-

versity, or of proper versus improper.

A few weeks ago Yale students held an event called “Sex Week”—“one of the most provocative campus events in the country,” said the AP. (No doubt.) But “not everyone was happy,” my son Dan reports in his blog Critical Mass (he’s a Yale freshman). “Porn star Jesse Jane is apparently displeased that there is still ‘a social stigma attached to working in the pornography industry.’” Eminent porn stars, sex therapists, and others got to participate in the festivities.

Yale is no different in this way from hundreds of other major schools—institutions at which almost no one in charge, faculty or administrator, seems to have any property sense in the university. Where almost no one has the sense that this school *belongs* to him and had better be treated with respect, dignity, propriety.

Why do the people in charge think and act this way? Again there are many reasons, but here is one. A revolution after the Second World War changed the nature of American universities. The Harvards and Yales used to be social powerhouses run by and for social big-shots. After the war, intellectuals gradually took over. They looked around their new domains—the plain colonial brick, fancy Victorian stone, collegiate Gothic—and the clubs, fraternities, secret societies—and they knew: *We* didn’t build this place. Which was true. How *could* they have felt the same way as the WASP Old Guard used to? Especially when they had the impression (generally correct) that the WASP Old Guard had once hoped to keep them out.

American Intellectuals are still struggling with the sensation that the universities they run don’t belong to them, and the country they boss doesn’t either. Only when they acquire a sense of property will they have a sense of propriety. How do you give someone a sense of belonging, of property, of propriety? I don’t know. But we’ve reached the right questions.

DAVID GELERNTER

What Does This Stand For?



Correspondence

TABOO TERM

THIS DAGO WAS NOT dazzled by THE SCRAPBOOK's use of the ethnic slur "dago dazzler" (Mar. 6 / Mar. 13). If you look up that word in, say, the *Columbia Guide to Standard American English*, you will find that it is "a taboo word" and an "ethnic or racial insult that English speakers once applied to people of Italian or Spanish (or, loosely, any other Mediterranean) ancestry." Why, then, have you decided to revive this gem from its rhetorical closet? Conservatives are already misperceived as being heartless elitists opposed to minorities; we do not need to fuel that fire.

I have often seen bigoted treatment of Italian Americans. Even though Italian Americans are one of the most assimilated ethnic groups in America, our portrayal in the media generally falls into one of two categories. We are either a super-sexed idiot, à la *Friends*' Joey Tribbiani, or, more typically, a ruthless gangster like *The Sopranos*' Tony Soprano. Somehow, because we have done so well in this country and contributed so much, everybody gets to heap on abuse without penalty. I am not a fanatic about this, but seeing it in print in THE WEEKLY STANDARD is different. I will not deprive myself of your magazine to prove a point that no one will notice, but I will never look at it in the same way again.

KEITH LISCIO
Skokie, Ill.

HEAR ISMAIL OUT

IN "Not-So-Great Pretender" (Jan. 23), Stephen Schwartz is deeply mistaken about Ismail Kadare. One needs only to consider the tremendous positive response that Kadare's work has received from literary critics all over

the world, including in Britain, Canada, Australia, and the United States, to understand that Schwartz is relatively alone in his personal battle against Kadare.

I can assure you that Kadare's work was not "beach reading," as Schwartz tries to portray it, but a true beacon of freedom and hope. His novels were more than simply pleasing to read. Written for obvious reasons in an ambiguous language, they were a veiled but powerful criticism of the govern-



ment. Although his novels are often set in other places and times, Kadare's work always offered the attentive reader a strikingly ironic perspective that constituted a clear message of dissent, if not a direct attack against "the most tyrannical" regime in the Balkans.

While Kadare has always refused to call himself a "dissident," for all of us who were living under immense oppression and fear in Albania, which Schwartz mockingly calls "Kadaria," his work was a paradigm of dissent.

I find Schwartz's characterization of Kadare as "a Communist hack [who] reinvents himself as a martyr of liberty" a very unfair and unjustified characterization.

AGRON ALIBALI
Smithfield, R.I.

STEPHEN SCHWARTZ RESPONDS: I am not alone in my condemnation of Ismail Kadare, who is hated by many patriotic Albanians, as can be verified by a simple check of English references to him on the Internet. Once he had escaped the collapse of Albanian communism, Kadare many times called himself a dissident until the tide of criticism at his deceitful reinvention became impossible to ignore. The writers whose works were paradigms of dissent in Albania were executed, imprisoned, or driven out of the country. By contrast, Kadare was a paradigm of opportunistic conformity and flattery for a vile dictatorship. This he remains. I did not call Albania "Kadaria"—I used the latter to refer to the imaginary landscape in which the dismal misadventures of Kadare's lifeless characters are played out. Albania deserves much better.

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THE WEEKLY STANDARD

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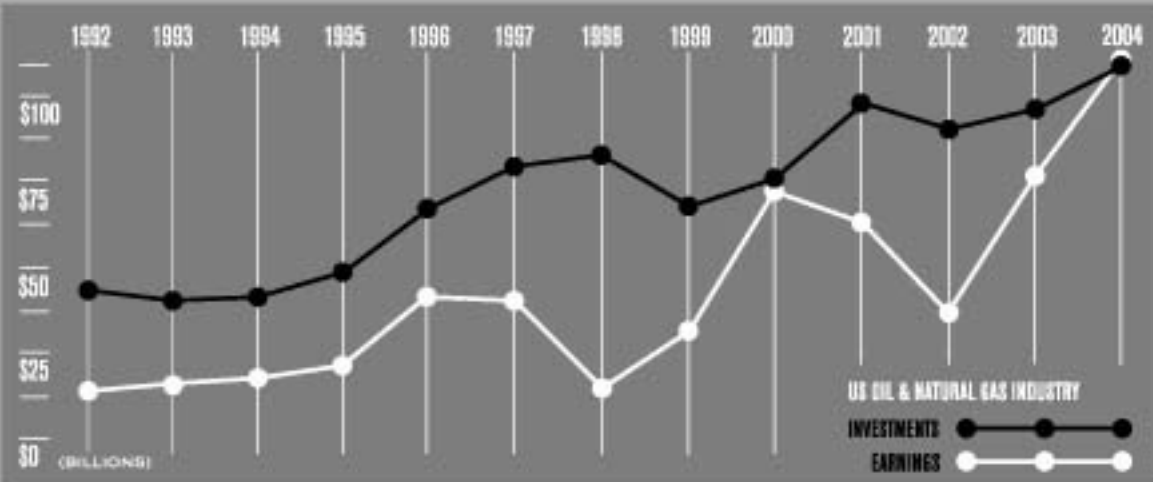
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Source: Investment and Other Uses of Cash Flow by the Oil Industry, Ernst & Young LLP, February 3, 2006

Oil and natural gas companies posted exceptionally strong financial results in 2005. This obviously benefits the tens of millions of Americans who own shares in our companies – including through pension plans and other investment funds. But it does not stop there.

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EDITORIAL

The Roberts Effect

John Roberts has sat in the center seat of the Supreme Court a mere five months. Conventional wisdom holds that it takes four or five years for a new justice to hit his stride. Even so, Roberts's work stands out in a Washington whose daily manufacture, it seems, is another fight between an irresponsible Congress and a president with cratering job-approval numbers. If you want to see excellence in government, consider the brief tenure of our new chief justice.

Under Roberts the Court has decided 39 cases. Roberts himself has written three opinions. Each was unanimous, the most recent being last week's opinion upholding the access of military recruiters to college campuses (elsewhere in this issue). Each is well-written. Concision and clarity distinguish the opinions. Sentences do not wander about, nor fatten from authorial pomposity. Arguments are fairly addressed, distinctions cleanly drawn, decisions plainly stated. Nor has Roberts retired the dry humor on display during his hearings. The chief justice, and not his clerks, is clearly in charge of his own prose. Finally, and not a small point: His opinions are enormously persuasive.

Roberts delivered his first opinion on December 7 in *Martin v. Franklin Capital Corp.* At issue was the proper standard for awarding attorneys' fees when remanding a case from federal court to a state court. The case was thuddingly dull and thus the sort a new justice, even a new chief, customarily accepts as the first in which he writes for the Court. But Roberts made his opinion interesting. He cited an opinion by the late Chief Justice William Rehnquist, whom he succeeded and for whom he had clerked, and also one by the famous chief justice, John Marshall. Roberts introduced the latter's statement from *U.S. v. Aaron Burr* (1807) with a bit of drollery—"We have it on good authority"—the authority being, as a reader learns by the end, the great Marshall.

Roberts's second opinion came last month in *Gonzales v. Uniao do Vegetal*, the latter being a Christian sect from Brazil with about 130 congregants living in the United States. For communion, UDV uses a tea made from a hallucinogenic plant found only in the Amazon region. Said plant also happens to be prohibited under our Controlled Substances Act. When Customs officials seized a shipment of the plant, the group sued, arguing that this violated the Religious Freedom Restoration Act of 1993. In siding with UDV, Roberts adroitly dealt with the pertinent statutes and constitutional cases. Describing the government's argument as resting on "slippery-slope concerns that could be invoked in response to any RFRA claim for an exception," Roberts wrote that the argu-

ment "echoes the classic rejoinder of bureaucrats throughout history: If I make an exception for you, I'll have to make one for everybody, so no exceptions."

Roberts's opinion in the military recruiting case deservedly rebuked the liberal law professoriate's arguments against the Solomon Amendment. That the entire Court, even the liberal justices, signed on to his opinion, has drawn notice. But *Rumsfeld v. Forum for Academic and Institutional Rights* also happens to be the ninth straight case in which there have been no dissents or concurrences. This harmonious streak will of course be broken. But the unanimity has held in the sorts of cases that usually divide the Court—involving religious liberty, abortion, the death penalty, and antitrust.

Roberts's new colleagues may be extending him a "honeymoon." But surely Roberts himself is an important part of the explanation. He came from a court—the D.C. Circuit—where the chief judge urged colleagues to make serious efforts to find a broadly acceptable resolution. That approach is what Roberts was used to and, given his personality, one that naturally suits him. But it is not that Roberts merely encourages agreement among the justices. The other day Justice Breyer told an Alabama audience that the justices discuss cases more under Roberts than they did under Rehnquist. Roberts is surely responsible for that, and it marks an important change.

Justices Stevens and Scalia have both complained over the years about the conferences held on the Fridays of weeks with oral arguments. It is then that the justices at least tentatively decide cases, and yet under Rehnquist the justices typically did little more than declare their votes. For Roberts to invite discussion means that Roberts himself has to come to the conference table fully prepared. That's not hard to imagine. But the other justices have to come prepared as well, or risk embarrassment.

Over time, the Roberts effect may produce not only larger majorities and more stable rulings but also a Court that, thanks to conferences that really are conferences, pays more attention to working out the relevant law and less to mere politics. The distinction between law and politics is, of course, precisely what Roberts (and Samuel Alito) insisted upon during their confirmation hearings, and it lies at the heart of judicial conservatism. The prospect of the continuing advancement of that philosophy is a happy one, and a reason to say hail to this particular chief.

—Terry Eastland, for the Editors

U.S. Military: 8 Elite Law Schools: 0

How many professors does it take to misunderstand the law? **BY PETER BERKOWITZ**

CHIEF JUSTICE John Roberts's unanimous opinion for the Supreme Court in *Rumsfeld v. Forum for Academic and Individual Rights*, upholding the constitutionality of the Solomon Amendment against challenge by a coalition of law schools and law faculties, decisively resolved the essential legal issues presented by the case. The 8-0 decision (Justice Alito did not participate) made matters crystal clear: Congress, without infringing law schools' and law professors' First Amendment rights of speech and association, may condition federal funding to universities on law schools' granting access to military recruiters equal to that provided other employers. The Solomon Amendment leaves law schools perfectly free to keep the military off campus and away from their students—if they can persuade the universities of which they are a part to decline the millions, sometimes hundreds of millions, the universities receive in federal funds.

However, Roberts's opinion does give rise to, and leaves unresolved, one nonlegal but rather large and disturbing question: How could so many law professors of such high rank and distinction be so wrong about such straightforward issues of constitutional law?

The losing party, the Forum for Academic and Individual Rights (FAIR), is an association of 36 law schools and law faculty, only 24 of which are willing to be named pub-

licly. In addition, groups of faculty members from many of the leading law schools in the land filed separate friend of the court briefs on behalf of FAIR (alone among law faculty, members of George Mason filed a brief—in which I played no role—supporting the constitutionality of the Solomon Amendment). These included a friend of the court brief signed by 40 Harvard Law School professors—including Dean Elena Kagan in her capacity as professor of law; University Professor Laurence Tribe; and University Professor Frank Michelman. The brief was prepared under the supervision of counsel of record Walter Dellinger, professor of law at Duke University and former solicitor general of the United States in the Clinton administration.

Another friend of the court brief was signed by 42 members of the Yale Law School Faculty, including Harold Hongju Koh, dean and professor of law; former dean and Sterling Professor of Law Anthony Kronman; and Sterling Professor of Law and Political Science Bruce Ackerman. In addition, a joint friend of the court brief was submitted by Columbia University, Harvard University, New York University, the University of Chicago, the University of Pennsylvania, and Yale University. Their counsel of record was Seth Waxman, a visiting professor of law at Georgetown, and, like Dellinger, a former solicitor general in the Clinton administration.

This dazzling array of eminent law professors proved incapable—even after hiring the best Democratic party legal talent money could buy—of advancing a single legal argument persuasive enough to pick off even a sin-

gle dissent from the four more progressive justices on the court—Souter, Breyer, Ginsburg, and Stevens—or to provoke even a single concurrence expressing a single demurral on a single point of law from Chief Justice Roberts's opinion.

No doubt this unanimity was in substantial measure a result of the inherent weakness of the law professors' case. It also very likely had something to do with Roberts's reputation for working well with colleagues of differing points of view, and with the commitment he gave at his Senate Judiciary Committee hearing to foster collegiality among his colleagues.

But one should not underestimate the incisiveness of Roberts's legal reasoning. The Harvard brief put forward a statutory claim: Law schools that prohibit the military from recruiting on campus complied with the Solomon Amendment provided they applied a neutral rule—no employer that discriminates against gays and lesbians is allowed to recruit on campus—to all employers alike. Roberts concluded that the law professors misread the Solomon Amendment, which focuses not on the conditions and terms of access provided by law school policy but on the result:

Under *amici's* reading, a military recruiter has the same "access" to campuses and students as, say, a law firm when the law firm is permitted on campus to interview students and the military is not. We do not think that the military recruiter has received equal "access" in this situation—regardless of whether the disparate treatment is attributable to the military's failure to comply with the school's nondiscrimination policy.

FAIR's free speech arguments fared no better under the Court's no-nonsense analysis. The Solomon Amendment does not compel law schools to speak words they find abhorrent. True, under its terms, law schools must send emails or post notices on bulletin boards concerning when and where military recruiters will be meeting with students, as law schools do for other employers. But such speech

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is compelled by the Solomon Amendment only to the extent that law schools provide the services generally. And it is a far cry from the types of plainly political speech—a government mandated pledge of allegiance or political motto—that the Court has prohibited the government from compelling.

Moreover, the Solomon Amendment does not compel law schools to unconstitutionally host or accommodate a message they find repugnant. Unlike cases in which the Court had found infringement of such First Amendment rights, a law school's antidiscrimination message, Roberts drolly explained, was not distorted or impaired by the military's presence on campus:

Nothing about recruiting suggests that law schools agree with any speech by recruiters, and nothing in the Solomon Amendment restricts what the law schools may say about the military's policies. We have held that high school students can appreciate the difference

between speech a school sponsors and speech the school permits because legally required to do so, pursuant to an equal access policy. . . . Surely students have not lost that ability by the time they get to law school.

Nor does the Solomon Amendment impermissibly infringe the right of law schools and law professors to engage in expressive conduct. In contrast to, say, flag burning, which is “inherently expressive” and therefore protected by the First Amendment, law school policies banning military recruiters from campus or sending them off to a separate corner of the university lack expressive content until the policies are explained and justified by law school speech, which the Solomon Amendment does not regulate.

Finally, the Court held that the Solomon Amendment does not infringe law professors' freedom of expressive association. Their situation differs markedly from the one the Court dealt with in its leading case on the issue, which held that requiring the Boy Scouts to admit a homosexual as a scoutmaster forced the organization to send a message at odds with the very one they were established to express. Military recruiters enter campus infrequently and briefly, and no one on campus or off confuses them for members of the law school community or their message for the law school's message. Moreover, as Roberts was at pains to point out, “law schools remain free under the statute to express whatever views they may have on the military's congressionally mandated employment policy, all the while retaining eligibility for federal funds.”

With their legal arguments publicly and authoritatively eviscerated by Roberts's opinion, what was the response of FAIR's attorneys and the company of distinguished law professors enlisting in the cause? Joshua Rosenkranz, who represented FAIR, told the *Washington Post* that the law schools always saw the suit as a “scrimmage in a broader war” about equality—a revealing remark from an

attorney who had just suffered a dreadful defeat in a high profile First Amendment case.

His view about political motivations was echoed by Dean Harold Koh, who concluded his statement in reaction to the Court's decision on the Yale Law School website by declaring that, “We look forward to the day when the government gives all of our students—without regard to their sexual orientation—an equal opportunity to serve our country by working in our Nation's armed forces.” And the decision provoked a defiant response at a website in support of FAIR hosted by Georgetown Law School (*SolomonResponse.org*): “The Supreme Court's opinion in *Rumsfeld v. FAIR* is a call to arms to law school administrations across the country to vocally demonstrate their opposition to the military's ‘Don't Ask, Don't Tell’ policy.”

But if their aim all along was to secure the right for homosexuals to serve in the United States armed forces on terms equal to those of heterosexuals, why did the law professors divert attention for almost three years, during wartime, at a cost to the government that likely ran into the hundreds of thousands of dollars, to imaginary infringements of faculty First Amendment rights?

Perhaps the law professors are simply poor advocates, unable to craft compelling constitutional arguments even on an issue—their own free speech—that is near and dear to them. Or perhaps they cynically believed that, there being no major difference between law and politics, the more left-leaning justices would side with their ostensibly progressive cause, however ungrounded in constitutional text, history, structure, or precedent their legal arguments were. Or perhaps, knowing their case was a bad one, they nevertheless sought a symbolic expression of their support for gay rights.

Certainly law professors who wanted to eliminate “Don't Ask, Don't Tell” and had respect for democratic politics would not have put the focus on their own contrived deprivations of expression and association, but would have concentrated on the claims of gay



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and lesbian citizens who wish to put their lives on the line for their country. Such law professors would have educated themselves and made themselves aware that the U.S. armed forces are far and away the most integrated institutions in the nation, indeed, greatly surpassing elite law school faculties and student bodies.

For this reason, among others, such law professors would have appreciated that the military is deserving of some measure of deference in its judgments about distinctions that must be drawn among individuals to maintain troop cohesion and morale. Such law professors would also have been reluctant to promiscuously hurl accusations of discrimination at the military, especially since many of the law professors had only a few years ago argued for, and won from the Supreme Court in *Grutter v. Bollinger* (2003), a special exemption to classify at their law schools on the basis of race because of their presumed special expertise concerning the need in legal education for diverse student bodies.

Such law professors certainly would have continued to challenge “Don’t Ask, Don’t Tell” in speech and in writing, but they would have welcomed the military to campus and hoped that students from their law schools—students who had sat in their classrooms and been exposed to their ideas about freedom and equality—would choose to serve, the better to transform the military’s culture from within. And such law professors would have remembered that what democracies most urgently need from scholars and teachers of the law is to impart understanding, refine intellects, and cultivate the art of legal reasoning.

Unwittingly, FAIR and its many allies among law professors at the nation’s leading law schools did perform one public service. They gave Chief Justice John Roberts and members of the Roberts Court an opportunity to demonstrate in clear and convincing language that the First Amendment is not to be trifled with, and that the U.S. Supreme Court does not gladly suffer the rank politicization of the law. ♦

Cantankerous Conservatism . . .

. . . replaces compassionate conservatism, at least for a moment. **BY FRED BARNES**

PATRICK BUCHANAN, commentator and former presidential candidate, looked over the issues on the political agenda in 2006 and liked what he saw. It was a paleoconservative’s delight. There was the Dubai ports deal, rejected by a congressional uprising part nationalistic, part isolationist. There’s immigration, soon to be debated on the Senate floor and always high on the paleocon list of concerns. Excessive government spending, a worry of all conservatives but especially paleocons, is a major topic this year. And the intervention in Iraq and President Bush’s crusade for democracy face sharp criticism, with paleocons in the lead among the critics.

It’s a paleo moment in America. “It’s a little bit late,” Buchanan says. He’d rather it had occurred in 1992 or 1996, when he ran for the Republican presidential nomination, or in 2000, when he ran as the Reform party candidate. Chances are, the moment won’t last. But it’s a moment that could be politically painful for the president and harmful to Republicans in the midterm election in November. The paleocon message is not an electoral winner—unless you believe voters are eager to hear ideas that are gloomy, negative, defeatist, isolationist, nativist, and protectionist.

Buchanan is the big dog among paleocons. His message, were he to run again for president, he told me, would be: “Secure the borders, stop exporting jobs, and bring the troops

home” from Iraq. I’m afraid many would interpret that message: Keep Mexicans out, forget free markets and free trade, and shrink America’s role in the world. That’s not an optimistic message.

It’s not that these views are illegitimate. They’re part—a small part—of the broad conservative coalition in America. And paleocons themselves are easily gathered under the big tent of the Republican party. The problem comes when they influence the party in ways that threaten the narrow Republican majority.

And they do this in several ways. One is to attack Bush on issue after issue. This weakens the Republican base and, potentially at least, reduces voter turnout. Republican voters dismiss criticism by Democrats or the media, but they pay attention when other Republicans zing Bush, or when they attack congressional Republicans, for that matter.

A larger threat is the paleocon influence on one of the touchiest issues, immigration. Here, their thinking is reflected in the anti-immigrant rhetoric of some congressional Republicans. And it is such thinking that imperils the gains made by Republicans among Hispanic voters.

In the immigration bill passed by the House last December, there was a distinct nativist streak. It calls for the raising of a 700-mile fence along America’s southwest border with Mexico and for stepped-up border security in general. It was Buchanan who popularized the fence idea, and now a Republican senator intends to

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propose a fence along the entire border, from the Pacific Ocean to the Gulf of Mexico.

How would such a fence play politically? Well, it's a horrible symbol, one that clashes with the welcome mat laid out by the Statue of Liberty in New York Harbor. More important, it says to Mexican-Americans: We don't want any more people like you coming into our country.

The political problem is the effect all of this, including the congressional debate itself, is likely to have on Hispanic voters. They are a critical part of the Republican majority. In fact, without them, there would be no Republican majority. Bush lifted the percentage of Hispanics who voted Republican from 35 percent in 2000 to 44 percent in 2004.

Grover Norquist, the conservative activist and head of Americans for Tax Reform, says holding His-

panic voters is crucial. "I think the Republican party wins and runs the country for the next 25 years if we are perceived as pro-immigrant and respectful of immigrants," he says. "The only way we lose majority status is to treat Hispanics the way we treated Catholics in the 1880s."

So, if all goes well, the Republican party is on the way to claiming a majority of Hispanics, the fastest growing voting bloc in the country. A paleocon-inspired immigration bill would jeopardize this. Democrats recognize this. Senator Hillary Clinton of New York and other Democrats are already attacking the House bill, saying it would create a police state focused on Hispanics.

On the Dubai ports deal, paleocons were leading voices of opposition. On Iraq and the campaign for democracy, they reject Bush's optimism about rolling back the dictatorships of the Middle East. Instead, they take the pessimistic

view that the Middle East is unchangeable, Arab culture being what it is.

Jump to the November election. What Republicans need more than anything else is unity. They have it when Bush's poll numbers are up. They don't when his approval rating tumbles—and it drops all the more when Republicans are criticizing him. With their issues unusually prominent this year, paleocons are likely to be critical. And the mainstream media likes nothing more than to play up conservatives who attack other conservatives.

As for Buchanan, he says he's "thought about" running for president again in 2008. But he's overcome the "temptation" and "probably" won't run. He's not impressed with the current field of Republican presidential candidates. "The field is vanilla," he says. Which means there's no paleocon in the hunt. ♦



Michael Joyce, 1942-2006

The godfather of conservative philanthropy.

BY JAMES PIERESON

IT IS GRATIFYING to see in the obituaries and tributes published since the recent death of Mike Joyce that his contribution to conservative philanthropy and conservative thought is widely recognized. He was director of the John M. Olin Foundation and president of the Bradley Foundation during the rise of conservatism, from the late 1970s through the turn of the millennium. His energetic efforts on behalf of conservative ideas brought him into close contact with the Reagan, Bush (41), and Bush (43) administrations. He was a man whose considerable gifts were instrumental to the achievements of the conservative movement.

Mike began his career as a teacher (and football coach), and a teacher he remained at heart. He had an advantage in the classical education he received at the hands of the Jesuit fathers; and through that education, the concepts of Catholic culture and thought were inscribed on his soul. A subsequent job writing history textbooks drew him to study historical debates from ancient times to the present. Mike particularly revered Sir Thomas More, because he gave up his life rather than sign an oath in which

he did not believe. Next to *The Godfather*, *A Man for All Seasons* was his favorite film.

Yet Mike presided over the most unusual of classrooms and employed the most unorthodox of methods. He often hid his designs in a maze of con-

tradiction and camouflage, so that one had to watch closely to grasp his lessons. It seemed that he rarely did anything directly if he had the option of taking a circuitous route.

Mike was unorthodox, too, in his conservatism. He respected, and wished to conserve, the traditions of the American nation embodied in our basic institutions. He was, in this, a patriot. He respected as well the traditions of family, neighborhood, community, and church that seemed to him to be under assault by modern liberalism. And yet in many ways he was a radical, pressing for change through new and bold ideas.

Certain words ill suited Mike—words like pleasant, easygoing, cool. More apt were these: tough, shrewd, restless. He waged a full-throated war against ideas that he believed destructive to our inherited culture and to the institutions that guaranteed our liberty and security. His combativeness, like his indirection, contributed to misunderstandings.

In New York, three decades ago, Mike saw that a charitable foundation could engage national controversies at the highest level by forming alliances with leading thinkers, journals, and

academic institutions. He saw that conservatism, with the help of such a foundation, might challenge liberalism on the field of ideas, a highly original conception. Few besides Mike saw that this was even possible; yet in a few years he had turned the Olin Foundation into an important broker of ideas.

In Milwaukee, from 1985 to 2001, he did something equally visionary at the Bradley Foundation. The “Wisconsin idea” was developed a century ago at the University of Wisconsin to bring progressive ideas into the arena of government and politics. It was, in its way, the gold standard for the influence of ideas in politics. Soon Mike, with singular vision, began to deploy the resources of the Bradley Foundation for the countervailing purpose of bringing conservative ideas into the political marketplace, using the city of Milwaukee and the state of Wisconsin as laboratories for experiments in policy.

These experiments—especially in welfare reform, faith-based programs, and parental choice in education—are widely known around the nation. The welfare reform bill signed by a Democratic president in 1996 was tested in Wisconsin. Parental choice in education, pioneered in Milwaukee, is today a national movement. Mike brought together an odd coalition of blacks and whites, liberals and conservatives, Democrats and Republicans. He would have been pleased to know that within days of his death the governor signed legislation to expand parental choice in Milwaukee.

Not always the most efficient administrator, Mike operated from an office piled high with books, journals, newspapers, letters, and proposals. He loved to work the halls, from office to office, trying to find out something new, asking if colleagues had read this book or that article. For Mike, the workplace was essentially a locker room, where the team was prepared for combat, the strategy and key plays drawn up for execution on the field. And when the time came, he would lead the team through the tunnel and onto the field, then play quarterback for good measure. Above all, he wanted to win—and many times he did.



James Piereson was executive director of the John M. Olin Foundation from 1985 to 2005. He is a senior fellow at the Manhattan Institute. This tribute is adapted from a eulogy he delivered at funeral services for Michael Joyce on March 4 in Port Washington, Wisconsin.

This made Mike much more than an executive. Irving Kristol once called him “the godfather of modern philanthropy” because he presided over the birth of so many important magazines, institutions, and programs, and nurtured so many talented scholars. Indeed, his partnership with Irving Kristol catalyzed many of these very achievements. The Irish son of Cleveland’s working class and the Jewish intellectual by way of Brooklyn and the City College of New York admired one another precisely for their differences. Irving was the thinker, Mike the man of action. Yet both had a knack for judging talent, for bringing ideas into the world of politics, for selling them to allies and the public. And both relished intellectual combat. Through Irving, Mike entered the orbit of neoconservatism, which he thought of not as a doctrine but as a skeptical disposition toward life, one that expressed the basic assumptions of the Catholic culture in which he had been raised.

Mike lived to create, to invent, to shape the world according to his dreams; and once he had created something, he often moved on quickly to newer challenges. In recent years, as his creative powers waned, he started to resemble a mythic hero in want of some life-sustaining nourishment. Mike’s fire had burned bright, but longevity was not in his make-up.

As his health was failing, and along with it his will, friends did not know how to help. Stories circulated of erratic and self-destructive behavior. He suffered quietly and privately, in tune with his nature. He must have borne some internal wound that could not be salved by mortal touch. We did not understand that a man who had won debates all over the world and had helped to change the thinking of a nation might in the end lose an argument with himself.

Mike died beloved of his wife of 17 years, three children, two brothers, and a sister. Some still misunderstood him. Yet those who knew him best will always think of him as his nation’s faithful and fruitful servant, but God’s first. ♦

Hurry Up and Wait

Among the rear echelons in Iraq.

BY MAX BOOT

Camp Victory, Iraq

I WILL NEVER WHINE about delays and hassles at civilian airports ever again. During a week spent touring U.S. military installations in Iraq, I encountered the Mother of All Delays. Repeatedly. That C-17 flight from Qatar to Baghdad that was supposed to leave at 8 A.M.? It won’t be taking off until 8 P.M. That Chinook that was supposed to go from Forward Operating Base Warhorse, near Baqubah, to Landing Zone Washington, in Baghdad’s Green Zone? It’s going to a different destination. And your luggage? It’s still in Kuwait.

Such experiences, multiplied repeatedly, reminded me of why GIs in World War II coined that handy acronym snafu. Not that I’m complaining. I realize that travel in a war zone is necessarily a precarious and uncertain business. Above all I’m thankful that I was able to complete my journey safely—a tribute to the professionalism of Army and Air Force crews who labor under constant threat of attack.

Moreover, it gradually dawned on me that all those delays were not such a bad thing. It may have made it harder for me to do traditional “reporting”—sticking a notebook in some commander’s face and asking pesky questions. But there were some unexpected fringe benefits.

I write these words, for instance, while sitting on a patio at one of Saddam Hussein’s palace complexes in Baghdad, now part of sprawling

Camp Victory adjacent to Baghdad International Airport. The weather is perfect (about 70 degrees, with a light breeze), the water in the manmade lake is lapping gently against the patio, and the beige-stone Al Faw Palace (now the headquarters of Multi-National Corps-Iraq) looms majestically in the background. The stillness is interrupted only by the occasional thwup-thwup-thwup of a Blackhawk flight.

Who would expect such a moment of bliss in the middle of a war? Yet there were several such pleasant interludes during a week spent hopscotching around U.S. installations in central and northern Iraq. For all the hazards of duty in Iraq—and make no mistake, every Humvee or helicopter ride risks disaster—I discovered that troops (and their visitors) can enjoy considerable comforts while on base.

All but the smallest installations have their own Post Exchanges, the biggest of which rival a Wal-Mart in size and selection. Also common at the bigger bases are fast food restaurants (Subway, Burger King, Cinnabon), movie theaters, swimming pools, and vast chow halls where free, copious, and varied food is dished out by cheerful South Asian contract workers. Among the more surrealistic moments of my trip was sitting down at a base near Baqubah—a far-from-pacified city with a majority Sunni population—to enjoy a fresh-brewed iced latte at a Green Beans coffee shop.

The U.S. military’s logistical feats make the Romans look like amateurs by comparison. The entire greater Middle East, from Qatar to

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Afghanistan, is studded with vast installations, few of which existed just four years ago. Here, relatively safe behind rows of barbed wire and giant concrete barricades, tens of thousands of Americans can enjoy a simulacrum of their lives back home, albeit without their families (although there is a small but growing minority of soldiers who are married to each other and can wangle an assignment at the same installation). Soldiers may lead Spartan lives by the standards of modern America, but they enjoy luxury unimaginable to their predecessors in World War II or Vietnam. Dorm-style quarters (called “chews,” for Containerized Housing Units) are stocked with iPods, TVs, mini-refrigerators, and air-conditioning/heating units.

So vast are the logistical requirements of the armed forces that for every soldier or Marine performing harrowing combat patrols down bomb-infested streets, there are several support workers (many from private contractors such as KBR, formerly known as Kellogg Brown & Root) who rarely leave base. LSA (Logistics Support Area) Anaconda, the main U.S. supply hub in Iraq, which is located near the northern town of Balad, has a population of some 30,000, one-third of them civilians.

Yet no matter how luxurious the base, the specter of death is never far off, whether in a random mortar or rocket attack, or in all the facilities named after soldiers killed in action. (To take only one of countless examples, Forward Operating Base Gabe in Baqubah, home of the 1st battalion, 68th Armor Regiment—itsself named for a slain soldier—has a physical fitness center named after Specialist Isaac M. Nieves, who died on April 8, 2004.) Even the tranquility of the patio at Camp Victory was broken in the early evening by a

haunting memorial service for a sergeant slain a few days earlier.

The best part of all the delays I encountered was not experiencing the comforts of life “inside the wire.” It was meeting the men and women who live there. A more selfless and dedicated—not to mention more friendly and polite—group is impossible to imagine, even if their manner of speaking can take some getting used to. It sometimes seems as if soldiers’ vocabulary is limited to two words, one of which is “Hooah,” an all-purpose affirmation that is roughly equivalent to “uh-huh.” You can guess the other staple of soldier-speak.



Many military facilities in Iraq are named to honor the fallen.

Pretty much everyone currently in Iraq enlisted or reenlisted knowing that he or she would be sent to war. (The use of “she” isn’t just political correctness—there are lots of women here, and they are not just performing traditional support functions, such as nurses or clerks. I saw female soldiers skillfully handling .50 caliber machine guns on patrol.) Not only do service personnel cheerfully face danger beyond the imagination of your average cubicle dweller, but they also work harder than an investment banker—and for a fraction of the salary.

“I’ve never worked as little as a 12-hour day yet,” one sergeant told me. Eighteen-hour days seem to be the norm, and days off are unheard of.

(Soldiers do get a couple of weeks of R&R in the rear or back home in the middle of a one-year deployment.) In many units, one soldier will be sent to fetch lunch from the DFAC (dining facility) so that everyone else can continue working. Others skip lunch altogether or gobble a PowerBar on the run.

One colonel, a brigade commander, told me that the only break he gets comes when he gets his hair cut. I believe him—after all, we were conducting our interview at 10 P.M., and he was still in the office. “If you work 18 hours a day, seven days a week, and you don’t drink alcohol, it’s amazing how much you can get done,” a senior general joked.

No alcohol? That’s right: No booze is allowed at U.S. bases in Iraq; troops have to make do with nonalcoholic beer. This abstinence policy is prompted by the desire not to offend local sensibilities even though many Iraqis are happy to take a drink themselves. Given how common pre-combat drinking or drug-taking was in centuries past (think of the rum ration), the U.S. armed forces today may field the soberest soldiers ever sent into harm’s way.

Soldiers have few ways to relieve the tension of facing death or maiming on a daily basis other than by working out (all bases have well-stocked gyms), calling or emailing home (free computer time and low-cost phone calls are available at Morale, Welfare, and Relief centers)—or by smoking. Lighting up may have gone out of style back home, but it still seems *de rigueur* in Iraq. Cigars and cigarettes are everywhere, along with chewing tobacco. One grizzled sergeant-major who was happily puffing away asked if I smoked. I told him I hadn’t been in Iraq long enough to pick up the habit, but that if I faced the dangers that he did all the time, I’d be making like a chimney myself. ♦

Who'll Let the Docs Out?

Bush wants to; Negroponte doesn't.

BY STEPHEN F. HAYES

ON FEBRUARY 16, President George W. Bush assembled a small group of congressional Republicans for a briefing on Iraq. Vice President Dick Cheney and National Security Adviser Stephen Hadley were there, and U.S. Ambassador to Iraq Zalmay Khalilzad participated via teleconference from Baghdad. As the meeting was beginning, Mike Pence spoke up. The Indiana Republican, a leader of conservatives in the House, was seated next to Bush.

"Yesterday, Mr. President, the war had its best night on the network news since the war ended," Pence said.

"Is this the tapes thing?" Bush asked, referring to two ABC News reports that included excerpts of recordings Saddam Hussein made of meetings with his war cabinet in the years before the U.S. invasion. Bush had not seen the newscasts but had been briefed on them.

Pence framed his response as a question, quoting Abraham Lincoln: "One of your Republican predecessors said, 'Give the people the facts and the Republic will be saved.' There are 3,000 hours of Saddam tapes and millions of pages of other documents that we captured after the war. When will the American public get to see this information?"

Bush replied that he wanted the documents released. He turned to Hadley and asked for an update. Hadley explained that John Negroponte, Bush's Director of National Intelligence, "owns the documents" and that DNI lawyers were deciding how they might be handled.

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Bush extended his arms in exasperation and worried aloud that people who see the documents in 10 years will wonder why they weren't released sooner. "If I knew then what I know now," Bush said in the voice of a war skeptic, "I would have been more supportive of the war."

Bush told Hadley to expedite the release of the Iraq documents. "This stuff ought to be out. Put this stuff out." The president would reiterate this point before the meeting adjourned. And as the briefing ended, he approached Pence, poked a finger in the congressman's chest, and thanked him for raising the issue. When Pence began to restate his view that the documents should be released, Bush put his hand up, as if to say, "I hear you. It will be taken care of."

It was not the first time Bush has made clear his desire to see the Iraq documents released. On November 30, 2005, he gave a speech at the U.S. Naval Academy. Four members of Congress attended: Rep. Pete Hoekstra, the Michigan Republican who chairs the House Intelligence Committee; Sen. John Warner, the Virginia Republican who chairs the Senate Armed Services Committee; Rep. John Shadegg of Arizona; and Pence. After his speech, Bush visited with the lawmakers for 10 minutes in a holding room to the side of the stage. Hoekstra asked Bush about the documents and the president said he was pressing to have them released.

Says Pence: "I left both meetings with the unambiguous impression that the president of the United States wants these documents to reach the American people."

Negroponte never got the message.

Or he is choosing to ignore it. He has done nothing to expedite the exploitation of the documents. And he continues to block the growing congressional effort, led by Hoekstra, to have the documents released.

For months, Negroponte has argued privately that while the documents may be of historical interest, they are not particularly valuable as intelligence product. A statement by his office in response to the recordings aired by ABC said, "Analysts from the CIA and the DIA reviewed the translations and found that, while fascinating from a historical perspective, the tapes do not reveal anything that changes their postwar analysis of Iraq's weapons programs."

Left unanswered was what the analysts made of the Iraqi official who reported to Saddam that components of the regime's nuclear program had been "transported out of Iraq." Who gave this report to Saddam and when did he give it? How were the materials "transported out of Iraq"? Where did they go? Where are they now? And what, if anything, does this tell us about Saddam's nuclear program? It may be that the intelligence community has answers to these questions. If so, they have not shared them. If not, the tapes are far more than "fascinating from a historical perspective."

Officials involved with DOCEX—as the U.S. government's document exploitation project is known to insiders—tell THE WEEKLY STANDARD that only some 3 percent of the 2 million captured documents have been fully translated and analyzed. No one familiar with the project argues that exploiting these documents has been a priority of the U.S. intelligence community.

Negroponte's argument rests on the assumption that the history captured in these documents would not be important to those officials—elected and unelected, executive branch and legislative—whose job it is to craft U.S. foreign and national security policy. He's mistaken.

An example: On April 13, 2003, the *San Francisco Chronicle* published an exhaustive article based on documents

reporter Robert Collier unearthed in an Iraqi Intelligence safehouse in Baghdad. The claims were stunning.

The documents found Thursday and Friday in a Baghdad office of the Mukhabarat, the Iraqi secret police, indicate that at least five agents graduated Sept. 15 from a two-week course in surveillance and eavesdropping techniques, according to certificates issued to the Iraqi agents by the "Special Training Center" in Moscow . . .

Details about the Mukhabarat's Russian spy training emerged from some Iraqi agents' personnel folders, hidden in a back closet in a center for electronic surveillance located in a four-story mansion in the Mesbah district, Baghdad's wealthiest neighborhood. . . .

Three of the five Iraqi agents graduated late last year from a two-week course in "Phototechnical and Optical Means," given by the Special Training Center in Moscow, while two graduated from the center's two-week course in "Acoustic Surveillance Means."

One of the graduating officers, identified in his personnel file as Sami Rakhi Mohammad Jasim al-Mansouri, 46, is described as being connected to "the general management of counterintelligence" in the south of the country. . . .

His certificate, which bears the double-eagle symbol of the Russian Federation and a stylized star symbol that resembles the seal of the Russian Foreign Intelligence Service, uses a shortened version of al-Mansouri's name.

It says he entered the Moscow-based Special Training Center's "advanced" course in "acoustic surveillance means" on Sept. 2, 2002, and graduated on Sept. 15.

Four days later, the *Chronicle* reported that the "Moscow-based Special Training Center," was the Russian foreign intelligence service, known as SVR, and the SVR confirmed the training:

A spokesman for the Russian Foreign Intelligence Service (SVR), Boris Labusov, acknowledged that Iraqi secret police agents had been trained by his agency but said the training was for nonmilitary purposes, such as fighting crime and terrorism.

Yet documents discovered in Bagh-

dad by *The Chronicle* last week suggest that the spying techniques the Iraqi agents learned in Russia may have been used against foreign diplomats and civilians, raising doubt about the accuracy of Labusov's characterization. . . .

Labusov, the press officer for the Russian Foreign Intelligence Service, confirmed that the certificates discovered by *The Chronicle* were genuine and that the Iraqis had received the training the documents described.

The Russians declared early in the U.N. process that they preferred inspections to war. Perhaps we now know why. Still, it is notable that at precisely the same time Russian intelligence was training Iraqi operatives, senior Russian government officials were touting their alliance with the United States. Russian foreign minister Boris Malakhov proclaimed that the two countries were "partners in the anti-terror coalition" and Putin spokesman Sergei Prikhodko declared, "Russia and the United States have a common goal regarding the Iraqi issue." (Of course, these men may have been in the dark on what their intelligence service was up to.) On November 8, 2002, six weeks after the Iraqis completed their Russian training, Russia voted in favor of U.N. Resolution 1441, which threatened "serious consequences" for continued Iraqi defiance on its weapons programs.

Maybe this is mere history to Negroponte. But it has practical implications for policymakers assessing Russia's role as go-between in the ongoing nuclear negotiations with Iran.

Perhaps anticipating the weakness of his "mere history" argument, Negroponte abruptly shifted his position last week. He still opposes releasing the documents, only now he claims that the information in these documents is so valuable that it cannot be made public. Negroponte gave a statement to Fox News responding to Hoekstra's call to release the captured documents. "These documents have provided, and continue to provide, actionable intelligence to ongoing operations. . . . It would be ill-advised to release these materials

without careful screening because the material includes sensitive and potentially harmful information."

This new position raises two obvious questions: If the documents have provided actionable intelligence, why has the intelligence community exploited so few of them? And why hasn't Negroponte demanded more money and manpower for the DOCEX program?

Sadly, these obvious questions have an obvious answer. The intelligence community is not interested in releasing documents captured in postwar Afghanistan and Iraq. Why this is we can't be sure. But Pete Hoekstra offers one distinct possibility.

"They are State Department people who want to make no waves and don't want to do anything that would upset anyone," he says.

This is not idle speculation. In an interview with the *Wall Street Journal* editorial page, one senior intelligence official called for a "national interest" exception to any document release. The *Journal* correctly wonders: "Well, what exactly does that mean and who makes the call? The answer, apparently, is unaccountable analysts following State Department guidelines." And in meetings with Hoekstra, Negroponte and his staff have repeatedly expressed concern that releasing this information might embarrass our allies. Who does Negroponte have in mind? Allies like Russia?

Hoekstra says Negroponte's intransigence is forcing him to get the documents out "the hard way." The House Intelligence chairman has introduced a bill (H.R. 4869) that would require the DNI to begin releasing the captured documents. Although Negroponte continues to argue against releasing the documents in internal discussions, on March 9, he approached Hoekstra with a counterproposal. Negroponte offered to release some documents labeled "No Intelligence Value," and indicated his willingness to review other documents for potential release, subject to a scrub for sensitive material.

And there, of course, is the potential

problem. Negroponte could have been releasing this information all along, but chose not to. So, in a way, nothing really changes. Still, for Hoekstra, this is the first sign of any willingness to release the documents.

"I'm encouraged that John is taking another look at it," Hoekstra said last Thursday. "But I want a system that is biased in favor of declassification. I want some assurance that they aren't just picking the stuff that's garbage and releasing that. If we're only declassifying maps of Baghdad, I'm not going to be happy."

He continued: "There may be many documents that relate to Iraqi WMD programs. Those should be released. Same thing with documents that show links to terrorism. They have to release documents on topics of interest to the American people and they have to give me some kind of schedule. What's the time frame? I don't have any idea."

Other Republicans in Congress are joining his call. Rick Santorum, Republican senator from Pennsylvania, has raised the issue personally with Bush and followed up in recent weeks with letters to top Bush administration national security officials. "It is imperative that these documents captured in Iraq be released as soon as possible," he says. "The American people must learn as much as possible about the war against terror we are fighting. Those documents must be made public."

Representative Steve King, an Iowa Republican who chairs a conservative caucus in the House known as the Conservative Opportunity Society, agrees with these sentiments. "We need to release everything, post them on the Internet. Let's have an open debate. This is a perfect opportunity to let the scholars in the world and the bloggers have at it."

Although Hoekstra is encouraged by Negroponte's recent proposal, he is not going to let the issue rest. "We're going to ride herd on this. This is a step in the right direction, but I am in no way claiming victory. I want these documents out."

So does President Bush. You'd think that would settle it. ♦

Three Years and Counting

Why is the Pentagon withholding Purple Hearts from deserving recipients? BY JIM LACEY

I HAD JUST SETTLED DOWN to go to sleep when two thunderous explosions shattered the desert stillness. The blasts were still echoing when a young soldier at the back of my tent started shouting in pain. While other soldiers began tending their wounded comrade, I made my way outside. SCUD alert warnings were already going off—this was March 23, 2003, just days before the start of the Iraq war.

For a long moment I assumed that our camp in Kuwait had been hit by one or more missiles. But as I took in the chaos, the reality of the situation slowly sank in. It was not a missile strike, but a terrorist attack that targeted the leadership of the 1st Brigade of the 101st Airborne Division. Much later in that long night, I learned that the terrorist was an American soldier named Sgt. Hasan Akbar.

Akbar, a radical Islamist who had attended a Saudi-financed mosque in South-Central Los Angeles, had thrown two grenades among sleeping soldiers, then opened fire with his rifle, killing Major Gregory Stone and Captain Christopher Seifert, and wounding 14 other soldiers. Among the wounded in the attack were the brigade commander and his executive officer. The brigade commander returned to duty later the next morning, and led his troops into Iraq three days later despite painful shrapnel wounds. His executive officer, whom Akbar shot when he left his tent to assist others, had to be evacuated and has

since undergone multiple surgeries.

I really don't think too much about that night anymore, but when I do it's usually because I've heard from one of the soldiers involved or from a family member. While the soldiers never mention it, the family members almost always bring up one point: Is there anything that can be done to get the soldiers killed and wounded that night their Purple Heart medals?

The Purple Heart, which is awarded to a service member killed or wounded as a result of enemy or terrorist action, has never been presented to those killed and wounded that night. They have, so far, been denied this simple but important display of respect our nation gives to those who have sacrificed so much in its service.

Three years after the attack, the wounded soldiers and family members of the deceased are being denied this seemingly small, but emotionally important symbol by a military bureaucracy that cannot see past definitions. The Pentagon claims that Akbar—who was convicted of murder in a military trial last April and now awaits execution at Fort Leavenworth—was just a criminal and not an enemy. During Akbar's trial, I could understand that calling him a terrorist would probably unnecessarily complicate the prosecution. When the trial ended, though, I and many family members assumed the awards would be forthcoming. But when I inquired further, I was told that the incident was not deemed a terrorist attack and therefore the Purple Hearts could not be awarded.

Was Sgt. Hasan Akbar a terrorist? Judge for yourself. In a diary entry

Jim Lacey covered the Iraq war as a correspondent for Time magazine.

Akbar made five years before he actually struck, he wrote, "My life will not be complete unless America is destroyed." In another entry a month before shipping out to Iraq, he wrote, "I will have to decide to kill my Muslim brothers fighting for Saddam Hussein or my battle buddies." By any reasonable definition these are the words of a terrorist. He was just waiting for the opportune time to strike, and he found it in Kuwait on the eve of war.

The soldiers attacked by Hasan Akbar deserve to have that award signifying America's appreciation for their sacrifice and their loss. So do those like Major Stone's two sons and his sister, Tammy Hall, who wrote to ask me "for anything you know about my brother, if you ever talked to him or just anything at all. Please put yourself in my shoes, I just want to know his last words, did you visit him in the hospital tent? Did he have any last words?"

I answered her, in part, that I had spoken to her brother a few times while we were in Kuwait. He was an Air Force officer attached to an Army brigade, and I was there as an embedded journalist. I suppose we talked to each other because we were both strangers to the other soldiers in the unit. From what I remember, we talked about some technical stuff and how a war with Iraq would be fought. When he did talk about personal things it was usually about his sons, and it was apparent that they were his biggest concern and what he missed most about being away. He was a naturally easy-going guy, because he soon had a number of new friends in the brigade and was spending a lot of time on his official duties. So, I

talked to him less as the war got closer.

On the night of the grenade attack, Stone's tent was directly beside mine. Everyone assumed, at first, that terrorists had attacked from outside the camp and that they were still in the area. The fact that Akbar shot two soldiers as they exited their tents reinforced this impression and convinced us all that there was still considerable danger. Disre-

attack and when helicopters arrived to rush the injured away. The efforts made by the soldiers, doctors, and surgeons that night were truly heroic. There was nothing more that could have been done to save the lives lost.

Before undertaking my duties as a journalist that night, I did help carry out some of the wounded, including Major Stone. He may not have known how badly wounded he was,

because he began to push the medics away, and though I could not hear what he was saying, I could hear the medics reply: "No, sir we have to take care of you" and "Everyone is being taken care of. Let us work on you." It was clear he was trying to get the medics to go help the other wounded men.

I wrote to Tammy Hall that I had spoken to family members of others that were seriously injured that night. All of them seemed to be truly bothered by the fact that it was another soldier who did this, and many said that it would have been easier to understand if

it was a terrorist attack. But I told her then, and I believe the trial of Akbar amply showed, that the man who killed her brother was not a soldier; he was, in fact, a terrorist.

Three years is a long time to wait. Two soldiers were killed and 14 wounded by a terrorist when they went, at the behest of their country and without reservation, too fight a war in a foreign land. Is it too much to ask of the U.S. military that these men and their wounded comrades from that night finally be awarded the Purple Heart? ♦



Hasan Akbar at Fort Bragg during his sentencing, April 25, 2005

garding that danger dozens of soldiers rushed to help those injured.

Despite the risk, one young medic ran several hundred yards in the pitch black to get his medical bag from a vehicle packed for the invasion and raced back with it. Others immediately entered the tents and began taking out the wounded. A major went to the operations tent, ordered medical evacuation helicopters, and alerted the nearby hospital trauma center. I was never sure of the exact timing, but I doubt more than 15 minutes passed between the

Logan Mock-Bunting / Getty Images

WILL THE GOOD TIMES EVER ROLL AGAIN?

A report from post-Katrina New Orleans

BY MATT LABASH



Mario Tama / Getty Images: a float passes the Superdome in preparation for the Zulu parade, February 28, 2006

I try not to clutter my life with too many hard-and-fast rules. But there is one I observe with religious ardor: Never pass up a chance to go to New Orleans. For weirdness-per-square-inch, New Orleans is like Florida, but with better music and food. I've found that all things are possible there, except being bored.

There was the evening years ago in a Garden District restaurant. I was having a spirited argument with an anti-gun industry lawyer named Alligator Mick. While lecturing on the evils of firearms, he drew a snubnose .38 from under his jacket and waved it around as tablemates ducked, just to demonstrate that he wasn't some kind of

prude. Then there was the afternoon in the living room of professional Jew-hater David Duke. He showed me his softer side by allowing a peek at his record collection. It included (besides Hitler speeches) Dan Fogelberg's greatest hits and the *Sound of Music* soundtrack.

After Hurricane Katrina held the city's head underwater six months ago, and after several days of witnessing the resulting desolation, I wandered the ghostly French Quarter. There, I met Jody Bode, a scraggly middle-aged guy in a loud Hawaiian shirt. He was watching over the Le Mieux strip club on Chartres Street for the owner. The strippers had evacuated. But Bode had me in for a warm beer, complained about the weather and the looters, then took me around the corner and up a creaky staircase to show off an apartment he was babysitting. It belonged to his friend, the octogenarian Verita Thompson, who'd

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turned it into a Humphrey Bogart shrine, since she'd been Bogey's mistress for 17 years.

New Orleans is a town that resists being fitted with an adjectival straitjacket. But if it were a Chinese-food condiment, it would be sweet 'n' sour. The easily pacified citizens of this country's other cookie-cutter cities seem to require only that they have a Starbucks Mocha Macchiato in one hand, and an Olive Garden breadstick in the other. But New Orleans offers something more. Faulkner called it "that city foreign and paradoxical, with an atmosphere at once fatal and languorous." Walker Percy wrote, less grandiosely, that if you fell ill in its streets, it's a place where there's still a chance "that somebody will drag you into the neighborhood bar and pay the innkeeper for a shot of Early Times."

Despite my New Orleans fixation, I'd never been to Mardi Gras, figuring I wasn't missing much—perhaps spring break in Daytona with a shrimp remoulade twist. But this year seemed as interesting a time as any to go. For a good month after Katrina, everyone was unanimous that the hurricane had been a buzz kill. Then for the next five months, most of the attention shifted from the dire situation on the ground so that critics could hash out who was responsible for dropping the ball—the president, the governor, the mayor (correct answer: all of the above).

Now, breathless reporters were anxious to tell a comeback story. Never mind that the city that loves to eat, the city from which Louis Armstrong used to sign his letters "red beans and ricely yours," has seen only 1,000 of its 3,000 restaurants reopen. Never mind that its only growth industries at the moment are house-gutters, mental health workers, liquor store owners, and strippers (to handle all the extra business from the influx of fly-by-night contractors). Never mind that its infrastructure is in shambles, that its public school system is nearly defunct, that all but two of its hospitals are closed, that 80 percent of its residences sustained flood damage, that only 200,000 of its 480,000 citizens have been able to return, that 1,100 of its citizens are dead, and close to 1,500 are still missing. Apparently, the fact that inebriated people will come to the mostly undamaged Quarter to bare their breasts for beads is as good as a clean bill of health. New Orleans is on the mend! A phoenix rising from the ashes! *Laissez les bons temps rouler!*

You don't have to be a glass-half-empty kind of guy to

realize that things aren't quite right. There's no way, in an average year, that you should be able to fit a car down Bourbon Street during prime time just five days before Fat Tuesday. Yet I barreled right down the half-empty boulevard in a rented Cadillac, expecting a Dresden-like payload of beads and bottles, but drawing nothing harder than a stare.

Over at the Quarter's most famous tourist trap, Pat O'Brien's—home of the Hurricane cocktail and the hammered coed—lines used to wind around the corner on non-Mardi Gras weekends just to stand like sardines at the bar. But on this night, you can walk right in and get a table or three. Dueling piano players tinkle out authentic New Orleans tunes like "Sweet Home Alabama," while the jolly Alvin Babineaux accompanies them on a drink tray that he plays with thimbles on his fingers. (The original drink-tray player, Eddie Gabriel, drowned in his 9th Ward home during Katrina.)

In Jackson Square, the soothsayers aren't all that soothing. Alobar Greywalker, who's provided tarot and palm-reading services for some years, sits at a table in a fur hat, eating chopped liver out of a Styrofoam cup. When I ask him how it looks for New Orleans, he doesn't even break out the cards. "Well," he says, chewing thoughtfully, "the ice caps are melting and the barrier islands are underwater. Not good."

At a traditional "Debauch Lunch" at the Redfish Grille, I tuck into a side room with a mishmash of New Orleanian gents who pay dues at the right clubs, like the Boston or Stratford, and belong to aristocratic Mardi Gras krewes (the social organizations that put on balls or parades) like Chaos, Rex, and Proteus. Princes of the city, they're hail-fellow convivial in the open-bar style. Still, there's a shadow on them. One asks if "leg of lamb" is on the menu—code for hired female entertainment. But there isn't. Another tries to pass around a pornographic BlackBerry email, but nobody's much interested. "It's been a long six months," says one of his comrades, "everyone's too tired to think about sex."

Back on Bourbon Street, even the gospeler's placards have taken on a Job-like cast. "God Is Unfair," reads one. Business is also off for cross-carrier Joe Hendrix. Normally, he can't get his cross through the throngs, but now he's practically doing zigzag patterns. In previous years, he's been spit on, doused with gasoline, and had his cross

**"Times are not good here.
The city is crumbling into
ashes. . . . Its condition is
so bad that when I write
about it . . . nobody will
believe I am telling the
truth. But it is better to live
here in sackcloth and
ashes than to own the
whole state of Ohio."**

**(19th-century letter from New Orleans,
Lafcadio Hearn)**

strung with so many beads that it felt like he was shouldering Jesus and the two thieves. This year, the most heckling he's gotten are half-hearted heathens looking at the rollers under the cross, saying, "Hey bro, Jesus didn't have wheels."

About the only ones who seem themselves are the cheeky T-shirt vendors who are in high clover due to all the new material. Favorites include "Show FEMA your tits—they'll mail you your beads in 8-10 weeks." Then there's every imaginable goof on Mayor Ray Nagin. In January, Nagin posited that the reconstituted New Orleans should be a "chocolate city." He suffered a fierce backlash from the white business community who originally helped him win, and who now seem to be aligning behind Ron Forman, a former Nagin backer whose wife was Nagin's communications director. Forman runs the Audubon Zoo, making him uniquely qualified, some would say, to run the city of New Orleans. Nagin later backtracked, saying that one must mix "dark chocolate" and "white milk" to make a "delicious drink." Perhaps the man who is most often portrayed on the silk-screened cotton shirts as Willy Wonka has a loftier aspiration: to become the Nestlé Quik Bunny.

Being a tourist, I decided to take a formal tour. The last time I was in town, immediately after Katrina hit, I saw plenty of bad things. I interviewed a stuttering kid on the steps of the Convention Center, since the inside of the building had become a powerless, waterless urinal. The boy was traumatized, as we both looked on at a dead man lying in a pool of dried blood. He'd been shot by a cop and left in the street to rot. I watched poor children sitting in mud for days by the Causeway overpass, waiting for a chopper or bus to take them some place they didn't know. I interviewed a grown man as he sobbed, describing to me how he had to hit an ailing and abandoned cocker spaniel in the head with a radio, just to put it out of its misery. As I drove into the 9th Ward, where all manner of atrocity was rumored to be occurring, I saw several men trying to put out a raging house fire with milk cartons full of water. A young black woman in shower shoes walked past them, after having lost everything. I asked her where she recommended going. "Anywhere but here," she replied.

Gray Line usually runs all varieties of New Orleans tour. When things were normal, people cruised on the Steamboat *Natchez*, or visited the tomb of voodoo queen Marie Laveau, or took cocktail tours to learn the history of the Sazerac and Pimm's Cup. But while you can still do some of those things, the company's bread and butter—the only thing keeping it afloat, actually—is its "America's Worst Catastrophe" tour. Board a bus by the Mississippi

River, and for 35 bucks, you get three hours of utter devastation, plus a break for refreshments.

There are no cocktails on this tour, though as the company's public relations person promises me, "you'll need one by the time it's over." I take a seat in the front of the bus near our tour guide, Joe Gendusa, a retired schoolteacher, and our bus driver Sly, who lost his house in the storm. Other tourists board noiselessly in their "Porn Star" T-shirts, with digital camera straps wrapped snugly around pudgy knuckles. Gendusa himself rode out the storm with his family in a Central Business District high-rise. "Looking back on it," he said, "what an idiot!" The building pitched and rolled, which it's designed to do under such conditions. "Though I'm not sure it's supposed to do that while I'm in it."

Those of us who'd been spending the bulk of our time in the higher-elevations of the Quarter or the Garden District or the well-heeled and mostly undamaged Uptown neighborhood were in for a shock. Six months later, a good portion of New Orleans still looks like a set from *The Road Warrior*. Abandoned cars stack up for miles along the I-10 overpass. Church after school after hospital are waiting for the wrecking ball. We drive past cemeteries that became processions of floating funeral barges, as caskets broke free from their crypts. Along Lake Pontchartrain, there's the Southern Yacht Club, the nation's second oldest. Or rather, there was the Southern Yacht Club. It's completely gone, with nothing but a pink dumpster sitting in its place.

We traverse many of the socioeconomic boundaries of New Orleans. The flood apparently didn't check W-2s before sending 10-foot walls of water crashing through people's living rooms. From the river over to New Orleans East, to Lakeview and Gentilly, horror stories and destruction abound: cars landing on roofs, boats landing on cars, houses getting turned into boats, floating down the street onto their neighbor's lots. The city is a sea of blue-tarp roofs and FEMA trailers parked in front yards. And many of those people consider themselves lucky. A chosen few in the nearly totaled St. Bernard Parish are still living in a tent city.

Sly drives us past many of the failed levees, still under construction, to see what God and/or the Army Corps of Engineers hath wrought. "They're supposed to be done by June," Gendusa says skeptically. "Yeah, right," says one of the tourists. Some experts, such as a National Science Foundation-funded panel, agree with my bus mates, saying that the shortcuts that the Corps is taking to complete construction before next hurricane season will leave large sections of the levees weaker than they were pre-Katrina.

At the midway point of our tour, we're driven to a restaurant for a snack break. Included in the package is

one complimentary soft drink. But the company flack was right: Something harder seems called for. When the bartender slides me a Diet Coke, I double down on Dewars. It is Mardi Gras, after all. Back on the bus, my tongue loosened, I ask Joe (who normally handles the Southern Comfort Tour) if there's anything nice left to see.

He laughs, at first politely, then almost uncontrollably—cathartically, even. “I can’t wait to get back to the office and tell them that one,” he bellows. “I wish I could show you something else. But it’s the Katrina tour! This is the city, my friend! This is my home.”

Joe’s home could use a new paint job, since everything is marked with graffiti. There are orange X’s on abandoned houses, where search parties have designated how many dead pets/people were found there. There are cell-phone numbers painted on garage doors, so neighbors can find each other if anyone bothers returning. There are blustery threats directed at looters, who still make the rounds six months later, having sometimes robbed the same house two and three times.

There is so much graffiti in New Orleans that one of the local photography books of the moment is a slim volume called *Spoiled*. It contains nothing but pictures of spray-painted refrigerators left on the curb for pick-up, aerosol epitaphs scrawled by former owners, such as “Free Gumbo Inside” and “Smells Like FEMA.”

In Old Gentilly, Joe has our bus stop in front of a house that’s spray-painted “Goodbye N’awlins, We’ll Miss You.” The occupants were friends of his late parents. Joe says a lot of his old friends are disappearing these days. Almost none of them were taken by the storm. But if they haven’t moved, he sees them turning up in the *Times-Picayune*’s death notices, which have grown longer lately with all the extra strokes and heart attacks: the post-Katrina toll. Of these family friends, he says, “They won’t be coming back. They just don’t have the energy, even if they had the money.”

The last time I saw the Kingfish, he was stubbled and wild-eyed and heavily armed. He was also my host, his Uptown abode serving as media HQ for me and my MSNBC traveling companions after Katrina closed all the New Orleans hotels. We drank his Old Fashioneds and took baths in his pool. One of the last Uptowners with a generator and the bad sense to stay in New Orleans, Kingfish was fighting to keep his house and his businesses and his life from washing away with the rest of the city.

His family secure in Florida, he’d turned his beautiful home, which only suffered some dislodged shingles and downed trees, into an armed compound. A couple of friends signed up for guard duty. They strolled the

grounds with pump-action shotguns and holsters threaded with Brooks Brothers belts, sweating through their Perlis golf shirts with the little crawfish stitching (New Orleans’s answer to the Lacoste alligator). Kingfish spent frantic weeks checking on neighbors’ houses, pulling rescue missions at the lawless Convention Center to take family friends to the hospital, and generally saving pets and dotty old ladies who didn’t know what had happened. Mostly though, he was waiting with his guns and the Perlis mercenaries, sure that “the crickets,” as the looters were called, were coming over his fence.

I christened him “Kingfish” when I heard one of his buddies use it on the ride in from Baton Rouge, and after he said he didn’t want his name in my story. He balked initially, saying of Huey Long, the original Kingfish, “what a piece of shit he was.” A native son with civic pride, he is tired of Louisiana being a national punch line. He’s tired of Orleans Parish public school officials literally stealing millions of dollars as the system fails; he’s tired of idiot-brothers-in-law littering corrupt levee boards; he’s tired of episodes such as the one currently playing out in the April mayoral race, in which a fringe candidate (and the state’s chief election official) is campaigning from her jail cell. If Long said, “The time has come for all good men to rise above principle,” then this Kingfish has no use for good men.

My Gray Line tour didn’t take me to the 9th Ward—the city council ruled tour buses shouldn’t go there, sensitive to the perception that residents of the most famous blighted neighborhood in America might not want to be the object of a safari. Though which residents would mind isn’t entirely clear. There are almost none left. So Kingfish agrees to pick me up one morning, and spin me over there.

When I hop into his SUV, he looks well-scrubbed and shined up, less tense and less armed. He also looks slightly older, which he says is going around. A group of his friends recently got together—the supposedly unflappable aristocrats who never get interviewed on Oprah. Looking across the room at his pals in their late 30s and early 40s, he says, “People were just grayed-up. It was noticeable. You see guys you haven’t seen for six months, and feel like you’ve been in a freakin’ time warp.”

Many are gutting it out, eking out a fraction of the living they were making, waiting for revenues to rebound in a city that’s half ghost town. Some evacuated thinking they were leaving for a long weekend and never came back. At the Florida resort where Kingfish’s wife and kids were staying until it was reasonably safe to return to the city, they met another New Orleans couple with one small child. They were about to return, too, but the wife was killed by a truck when returning her rental car.

One person who has returned, and who rides with us

today, is Kingfish's friend since kindergarten, who'd moved away from New Orleans months before the storm, but who still wants to come back. He picks his own cumbersome pseudonym—"Big Fat Tough Guy"—but graciously settles on "BF" for short. It's the first look BF has had at his hometown, and Kingfish asks him what he thinks as we drive through the moonscape of the lower 9th Ward, where trees are snapped like Lincoln Logs, and the only inhabitants we see are a lone rooster and men in HAZMAT suits. "The landscaping could use some work," BF says.

Despite his pedigree, Kingfish knows the 9th Ward a bit. One of his several enterprises is a construction company. He's built homes down here, supposedly above the flood line, though as he points out, somebody missed the call on that one. They hadn't counted on the Industrial Canal levee being breached, which turned the whole neighborhood into an aquarium. He takes us by one of his houses, which has a pillow strapped to the railing, inscribed with Jeremiah 17:7. "Blessed is the man who trusts in the Lord." The rest of the house has been gutted for reconstruction, with nothing left but a crab pot in the rafters around the place the water line settled.

This makes Kingfish scratch his head. He doesn't understand why anybody would rebuild here, since it's proven hurricane bait, and the neighborhood was a crime and murder magnet even before the storm. This is a complaint I hear from both black and white New Orleanians about the city's largely black poverty centers. They are hoping their city becomes a safer place, since many of those who made it unsafe have taken up residence in other cities. Black city council president Oliver Thomas recently caused a stir, saying of public housing evacuees that are now residents of places like Houston, that New Orleans only wants people back who will work, not "soap opera watchers."

Kingfish is sick of all the media romanticizing of places like the lower 9th. "Give me a break with the lone kid blowing a trumpet on his porch," he says mockingly. "Look around, there ain't no f—in' porches left. That sounds harsh to some people, but they don't know what New Orleans is." It's as integrated as a city gets, he says, "the only place where a \$2 million house can be two blocks away from your maid's." Spare him all the talk, he says, about how the city's entire identity is compromised.

New Orleans had problems before the storm, lots of them, says Kingfish. America just got a whiff of New Orleans's dirty laundry when even cops were shown shoe-shopping at Wal-Mart without hitting the checkout line. "You lose the 9th Ward and people say we're losing our soul. Horseshit," he grouses. There were a lot of good family people there, but it was also miles of urban decay

which added nothing to the city. "Wynton Marsalis wasn't going around shooting people, being unproductive," he says. "And that kind of person will come back, and the culture will stay."

Just who's coming back, and where, is an open question. New Orleans is a big jump-ball. Federal, state, and local entities, as well as insurance companies, are now so tied up in a Gordian knot of interlocking and competing interests that New Orleans these days resembles Purgatory. Everybody is waiting for something: waiting for their insurance check, waiting to see if they can rebuild, waiting to make sure that if they rebuild that their neighbor does the same so that they don't live in a blighted neighborhood, waiting to make sure that the city, state, or feds will allow their neighborhood to exist at all. Rarely have so many Americans collectively faced such existential uncertainty.

Kingfish has felt the burn firsthand. After the storm, nearly all his income dried up. Real estate deals that he needed to close were going south. He did what creative people do in such situations: He improvised. With all construction halted, Kingfish went the demolitions and clean-up route, keeping his head above water. But he's had a scary look at his own mortality, and that of his city's. On an elemental level, he's running full-speed on a Darwinian hamster wheel.

The trick, he says, is for everyone to "chill the f— out, and realize this is a 10-year rebuilding process." The worst setback in the city's history could be its final salvation. "We get to rebuild the whole city!" he says, now an excited kid. "Every failed institution. How could we not be better off? How can you f— it all up? If we enhance 50 percent of it, we're better off. If we don't, we're lost souls."

There's a big hitch, of course: next hurricane season, just three months away. Here, Kingfish loses some optimism. Like any pillar of the community—which New Orleans needs now more than ever—he once thought about how to expand, how to invest, how to create wealth. Now, he's thinking about how to stay liquid. If the levees break again, he says, "Kingfish ain't going to throw the dice twice thinking I'm going to hit seven. If we take another hurricane next year, it's f—in' over. The federal government says forget it, the people say forget it, and who knows? We become the sliver by the river."

BF wants to make a last stop—at the wrecked house of a buddy of theirs in swanky Lakeview. We get out and walk past a crew in HAZMAT uniforms. "Just here to see a friend," says Kingfish. "I don't think he's home," deadpans one of the crew. We walk in through the open door, around the mold cultures and rotted furniture, the old krewe cups and broken children's toys—the ruins of their friend's life.

BF has been hitting the Diet Dr. Pepper pretty hard, and has to take a leak. So he goes right in the middle of the bombed out living room. Kingfish grimaces. "You can go in the toilet, you just can't flush it," he says. BF shrugs: "It ain't like anyone's coming back."

I never pass through New Orleans without seeing two of my favorite people: Danny Abel and Shane Gates. They are large-hearted men, generous and true, and both possess a drinking companion's most desirable trait: They stay until closing time. I met them nearly a decade ago, when profiling Danny's then law-partner, the late Wendell "The Goat" Gauthier, a legend of the trial bar who sued anything that moved, and probably many things that didn't.

In all honesty, it was a hit piece. My subjects were trying to take down the gun manufacturers, much as they did the tobacco industry. Danny (now 59) and his legal assistant/distant cousin Shane (now 30) were my minders. They took me from Quarter bar to restaurant and back again, explaining the evils of smoking and firearms, even as they lit up and showed me their guns—consistency being the hobgoblin of small minds. When the article came out portraying everybody as the swashbuckling pirates they resembled, we remained friends ever after.

In addition to his own small law practice, Danny has owned an exotic cheese farm, is an accomplished chef who used to run a Creole restaurant in the Quarter, and has co-written the *Trout Point Lodge Cookbook*, based on Creole dishes he and his business partners serve at their lodge in Nova Scotia. The athletically built Shane loves food too, even though he's lost 20 pounds from stress since his Slidell house was nearly wiped out by Katrina.

His Cajun grandmother taught him how to cook at the age of 6, knowledge he expanded on when he began working for under-the-table cash at Brennan's at the age of 13. In the kitchen, he ate so much turtle soup that they limited him to two bowls. So he started ladling it on French bread to make turtle-soup sandwiches instead. Shane never bothered to get his law degree, though he's Danny's all-purpose investigator, manager, client-closer, and cornerman. Always a weather-watcher, even more so after Katrina, he would like to become a meteorologist, "because you get paid whether you're right or wrong."

Whenever I see Danny, a bibliophile who knows the city's used-bookstore proprietors by name, he usually brings me some lagniappe, like *Socks on a Rooster*, one of the great Earl Long histories. But on this night, as we all take a table at Antoine's (uncharacteristically half-empty), he brings me a CD instead: Shostakovich's "Leningrad" symphony, about the Nazi siege. "It makes me feel better about New Orleans," he explains.

Shane and I order Maker's Mark, while Danny claims he's practicing pre-trial abstinence. He finally succumbs to peer pressure, though insisting, "I have no peers—how can I be pressured?" He orders a Chartreuse, which makes Shane blanch: "It's like drinking a Christmas tree." But Danny revels in Old-Worldliness, pointing out that one of the parade krewes the other day had a sign, saying, "Jacques Chirac, buy us back."

New Orleans isn't just another American city, he's fond of pointing out. The storm, he laments, has physically erased so many points of reference. An attorney friend of his even told him, "I've spent 30 years arguing against post-traumatic stress syndrome, now I have it." So it is important, during these trying times, to remember that New Orleanians are a diaspora people, a people who dress up like Mardi Gras royalty in fruity Shriner-style outfits, a people who "preserve and exaggerate their most essential cultural components: our food, our music, our we-could-care-less-attitude," a people who aren't afraid to drink Christmas trees with their crabes mous amandine.

Danny and Shane have brought along an attorney friend of theirs tonight, Carl Finley. In addition to lawyering, Finley is a fireman, a chief deputy constable, and a rappelling instructor. In the current local economy, it helps to be diversified. As befits a man so busy, he talks in machine-gun bursts: "I don't talk fast, I talk condensed. My court reporters tell me I can do over 300 words a minute."

Finley is the local affiliate of an outfit from California called the Storm Lawyers, who regularly sue insurance companies on behalf of policyholders who feel they've gotten shafted. Danny, too, on a separate track, is working on a suit that he says could make a regular class action look like a round of patty-cake to the insurance companies. The details are still in development. But the important thing to remember, the legal term-of-art that the 300-words-a-minute Finley would like me to focus on, is just one word: BOHICA (Bend over, here it comes again).

This, they all agree, is what is happening to the citizens of New Orleans. Insurance companies, they say, are getting too cute with the wiggle language of policies they should be paying off. During the costliest natural disaster in American history, they are playing stall-ball, trying not to pay if they aren't absolutely forced to, trying to delay payment if they are, so that they can run up more investment income before writing a check. Finley makes it plain in the Old-World way: "They're f—ing people, excuse my French."

If outsiders think this will shake out as just another partisan dog pile, with Democrats predictably siding with the plaintiffs' attorneys, and Republicans with the insurance industry, guess again. In Katrina states, everyone

hates the insurance industry now. Danny says that for the first time in recent memory, plaintiffs' attorneys, who often rank right down there with meter maids, tax auditors, and journalists on the lowest-forms-of-life scale, "could be heroes—people are calling us up crying."

Even Trent Lott, who's been called an insurance industry-stooge in the past, has sued State Farm for not paying up on his destroyed Gulf Coast home. The federal suit is being brought by none other than Lott's brother-in-law, the super-lawyer/big tobacco-slayer Dickie Scruggs. This development is causing some Louisianans to experience something they've never experienced before: Mississippi-envy.

Everyone knows, of course, of the misfortune met by the poorest New Orleanians, herded off to football stadiums in other cities. Less well known are the tribulations of the insured middle and upper classes, many of whose daily lives now involve fighting federal and state bureaucracies, as well as the insurance companies. To get just a small taste of it, I went out to Slidell two days later, to witness my friend Shane's slow torture.

His place was once a beautiful plantation-style house on several acres that are now half-swamp. Slidell, where Lake Pontchartrain drains into the Gulf of Mexico, is where the eye of Katrina passed over, testified to by the forests of downed trees and wreckage and street signs wrapped around telephone polls like bread bag twisties. There was so much debris here, it took Shane an hour and a half to walk up his quarter-mile street when he finally returned home. With hurricane gales coming off Lake Pontchartrain for hours, his house shook like a belly dancer—so hard that it snapped his underground cable. But he was lucky compared with his neighbor. Their house did a complete 180.

The roof in Shane's attic now has sunlight streaming in, and the downstairs was so covered in mold after receiving about five feet of water that it actually looked like the walls had sprouted rainbow-colored fur. At first blush, many would consider Shane fortunate. He has two insurance policies (with State Farm and Allstate), about \$460,000 worth of supposed wind/flood coverage. But his daily existence, his new full-time job, in essence, is fighting the insurance companies for the money to put his life back together.

Doing so is an obstacle course of bureaucratic high-hurdles and Catch-22s. It is way too complicated to describe here in its entirety. But it boils down to this: His house was worth about a half million dollars, but the most he's shaken out of his insurance companies is around \$190,000, administered by his mortgage company in increments, as he reaches certain repair plateaus. He estimates it will cost him nearly \$100,000 just to raise his

house to whatever the new base-flood elevation requirement is, in order to stay insured, or for a new buyer to get insurance to make his house sellable. What that elevation will be, he says, has yet to be determined, which could make anything he does now futile. Tree removal alone has already cost \$8,000 and isn't nearly done. To dig up a giant pine stump in what used to be his manicured front yard, but which now resembles a mud-wrestling pit, post-Katrina prices will set him back anywhere from \$2,000-4,000 dollars per. He has 12 stumps just like it.

With those repairs, his money is nearly gone before he's touched his house. Plus, he's supposed to pay himself \$10,000 to be his own general contractor in order to find all the contractors who there aren't nearly enough of (since everybody needs one) to actually fix his home. When he comes back with their prices, the insurance company nixes them as too expensive. Meanwhile, his engineer tells him that the house is totaled—he's a fool to gut the bottom floor and live on the second story with his wife and newborn (as he's now doing). It would be cheaper to tear the whole thing down and start over, rather than to repair it. Yet his mortgage company, which is holding the pursestrings, says otherwise, wanting him to patch it up and pay it off.

All the while, Shane is supposed to get rental reimbursement for living outside the house while he fixes it. He rented an apartment in the Garden District, which became too dangerous a place to stay with his baby, once FEMA turned off the hotel-room subsidization spigot in Orleans Parish for lower-income types. Many of them, Shane says, are now crashing with relatives or living hand-to-mouth. They roam the street during the day, until they have to find a place to sleep at night. From his apartment balcony, he's been screamed at on a half-dozen occasions by envious less-fortunates who demand that he share his electricity and running water.

Recently, when driving to the apartment, he nearly got in a gunfight. A car slammed its brakes on in front of him repeatedly, trying, he suspects, to set him up for an accident. "He pulled out his gun, I pulled out my gun, we got into a chase," says Shane. "I caught myself and thought 'What the hell am I doing? I'm going to get in a gunfight because somebody's trying to make an insurance claim.' People are losing their minds around here."

Shane, once a happy-go-lucky type, quick to laugh and slow to anger, often feels as though he's losing his mind. His wife, Christine, tells me that he now barks at her and everyone else over the slightest provocation, or over none at all. He also drinks too much. Formerly a good-time social drinker, he now drinks during the day, and can only sleep after several glasses of bourbon and a Xanax. "If I don't drink, I don't sleep—period," he admits. When he's

not thinking about the insurance money that he can't spend, he thinks about the savings that he already has spent (about \$60,000 of it, between rentals, unreimbursed repairs, and transportation to and fro, which has seen him put over 30,000 miles on his truck in four months).

Since Katrina, he's spent over \$10,000 to board his beloved five dogs. He's considered putting slugs in their brains, just to end their anxiety of being checked in and out of kennels when they're used to living in a spacious barn, and having pastures to run. Because of it, they have skin problems, and have dropped all kinds of weight. The other night, Shane ended up in the emergency room, his throat swelling so severely that he had to spit in a wastebasket instead of swallowing—perhaps because of the stress, perhaps because of the mold and the toxic mud which comes up through holes in his first floor. The air quality is causing a discharge from the baby's eyes.

Shane misses a lot of simple things: lying on a couch, which he no longer has, getting a glass of water in the middle of the night without putting on a coat, thawing his seafood in the kitchen instead of the bathroom sink, walking barefoot in his place without getting an infection. He wants out of what was once his dream house, since he can't afford to fix it. It's strangling him. But a part of him wants to stay.

His favorite Katrina picture is one he saw on the Internet. It's of an old woman in Bay St. Louis, Mississippi, sitting in a rocking chair with water up to her calves. "They tried to rescue her, and she went bananas," he says. "She said, 'I'm not leaving' That's people's mentality about home. Think about it—you're home. It's where you created your child or got drunk or urinated off the porch. Whatever. It's your home. You can't just jump up and replace it, especially since they won't give you the money to do it anyway. We used to have a good time here, crank the fire-pit up, eat crawfish. Now it's just gone."

The day before Fat Tuesday is known as Lundi Gras. And there is no better way to spend it than down at the traditional Zulu cookout—Zulu being New Orleans's oldest and most prominent African-American krewe. After a week of watching inebriated college kids stumbling out of frozen daiquiri bars to bad dance music up on Bourbon, heading down to the Mississippi River to drink cold drafts and eat crawfish pie in the sun is like scouring the grime off your soul.

The crowd is thick on the ground. Some have come to see the "Zulu king" that Professor Longhair sang about in "Go to the Mardi Gras." Others want to see Mayor Nagin toast the city. But I've come to see the best live party band in the United States of America—the Rebirth Brass Band—second line music at it's funkier and finest.

Rebirth got their start two decades ago, hauling their high school band instruments home through the Quarter, playing for Popeye's and beer money. A motley crew in Rocawear jerseys, Saints shirts, and headbands, their music is fierce without being angry, exuberant without being giddy. They do a short set at the Zulu event, then move across the street in front of Harrah's casino to really air things out. I watch them take the stage, their music pulling in throngs of unsuspecting stragglers as though they had magnets attached to their foreheads. Rebirth doesn't just kill, they smite, and not just men, but women, children, and livestock.

Their bass drum and tuba lay a tandem, chest-thumping bottom, while their stable of horn players hold the loose groove, careening around each other through the intersection, then smacking together like bumper cars. They sing, "Feel like funkkin' it up." And they're not the only ones. White girls in tight jeans feel like funkkin' it up. Black men in Kangols feel like funkkin' it up. Old white women dancing with young black men (not a sight you see everyday, even in New Orleans) feel like funkkin' it up. I might've felt like funkkin' it up, too, if I hadn't been taking notes on all the others funkkin' it up, which, mercifully, I was.

A 12-year-old black kid jumps on the stage and feels like funkkin' it up for the rest of the show, dancing every dance he knows: the dandruff-brush, the jump-the-turnstile, the Azusa Street Fire-Baptized Holiness shake. He dances so hard, and with such conviction, that he distracts the trumpet players, making them forget themselves, as they so skillfully make the rest of us do the same. Philip Frazier, the band's cofounder and tuba player, explains how it works to me after the show: "You get white and black together. Everybody in one accord. The music just takes their souls—that's when we're doing our job."

At my hotel afterwards, I order room service. My waiter, an older black gent named Louis Williams, asks how my Lundi Gras is going. I tell him pretty good, since I'd just had my doors blown off by Rebirth. His face falls and his smile fades. "I think I'm gonna cry," he says. He hired Rebirth for his 25th wedding anniversary—they're all locals, many from the 9th Ward. It was one of the great nights of his life. He tries to think of one particular song they sang, but it won't come to him.

"These guys put on a show," he says. "When they played this song, you couldn't help it. People jumped up and down and grabbed onto posts. A nice crowd, you understand. No mess." The song comes to him, and he starts tapping it out on his leg, while going into near falsetto: *Do whatcha wanna / Hang on the corner*. "Second line," he says, softly dragging out the *i* in line, as if he's said it all. "We had a tape of it. We lost it in the storm. I get full just talking about it."

Early Fat Tuesday morning—the middle of the night, actually—I wake up to ride in the Zulu parade. Before I came to New Orleans, I sniffed out some friends in old-line white krewes, asking if they had a slot. But their verdict came back unanimous: If you want the definitive Mardi Gras experience, you have to roll with Zulu. “Why?” I asked one. “Because,” he explained, “When else in your life will you have a chance to stand on a float in blackface and throw coconuts at people?”

This, in fact, is what it entails. At the last second, Zulu Vice President Naaman Stewart was kind enough to put me on the float of J.C. Lawrence, who he described as “the best defense attorney in New Orleans—if you’re in trouble, call J.C.” In order to ride, I had to meet the strict dress code: black turtleneck, afro wig, grass skirt.

Grass skirts turn out to be a higher-demand item in New Orleans than one would imagine. After striking out at costume shop after costume shop, I settle on a flowered hula skirt. The next morning, I arrive at the hotel to get my face painted along with fellow krewe members. There are plenty of black and white guest riders, as Zulu is among the most democratic of krewes. With our frizzy Afro wigs and blackface, we look like the lost love children of Al Jolson and Linc from *Mod Squad*. My face painted, I skitter out to the buses to ride to the floats, sheepishly pulling on my hula skirt. A heavyset Zulu gives me the once over, wearily exhaling cigarette smoke. “What the shit’s that?” he asks.

We load our float next to the Superdome, and spend an hour or two placing our throws (or beads) on hooks, as if they are ammo belts in gun trucks headed into battle. Theoretically, there’s supposed to be no inebriation during these affairs, but on my ride is Cong Tran, Zulu’s only Vietnamese member, who seems to have other ideas. “Pass the Courvoisier,” he says, pulling a bottle of cognac out of his bag. “You in New Orleans, baby. *Laissez les bon temps rouler!*” he says, uttering words I thought were only spoken by out-of-town TV reporters and my Copeland’s of New Orleans hostess back in Annapolis.

My host, J.C. Lawrence, is not only the float captain, but the importer of coconuts, Zulu’s exclusive throw, which is the most treasured in the Mardi Gras hierarchy. He gets them from Vietnam, where they have, “how do you say—cheap labor.” Lawrence is a large man with a dry sense of humor. When he sees my flowered hula skirt, he says, “I might have a normal one for you, but don’t let me save you from yourself.”

Before mounting the float, I’d gotten lots of pointers on how to entice women into showing their breasts, a cherished Mardi Gras tradition. Kingfish had advised, “If you see a girl in a Florida State sweatshirt, that’s a good sign, show ’em your beads.” But as we roll through

a black section of town, before getting to the common parade route, Lawrence cautions, “Don’t ask the sisters to show you their breasts, they’ll hurt you.” He says I’d be much better off waiting for white women on St. Charles Ave., which he calls “Tittieville.”

In this most offspeed of Mardi Gras years, I see only one breast. It has a patch of hair on it, and in the blur of parade revelry, bead-throwing, and coconut-launching, I can’t be certain it even belonged to a woman. As Lawrence and I bake on the top deck of a double-decker float, our Jolson paint melting in the sun, we fall into conversation over his city, about which he is mordantly philosophical.

Things are sort of getting back to normal. “Crime is up, thank God,” the defense attorney facetiously says. “So we don’t have the usual suspects—we get new suspects.” Like the Kingfish and his ilk, he thinks New Orleans has a chance to remake what is broken. “Katrina shook the whole thing up—it was going to take 20 years to get it straight.”

But he resents those in Uptown—or “the island” as he calls it—arrogantly asserting that places like the entire 9th Ward can be lopped off without being missed. They’ll see soon enough, he suggests. Their cheap-labor pool just left town.

And while they were packed off on field trips with a little FEMA spending money, Lawrence is disturbed that there doesn’t appear to be any effort to bring his fellow New Orleanians back. While many others were able to come back to something, even if only tarp roofs and trailers, “folks in those neighborhoods were held out of there so long that the rats and cats decided to leave.” I ask Lawrence what happens to the city’s personality. “What happens?” he asks back. “I’ll tell you. Ten years from now, Tiger Woods will be hitting a drive over the water hazards of the lower 9th Ward.”

That night, I am a world removed from the Zulu parade. Kingfish’s wife has left town, so I can skate into the Rex Ball on her invitation. “You can be Mrs. Kingfish,” he says. “Go to Perlis, and get your white tie and tails.” Founded in 1872, Rex is one of the old-line krewes, and “Rex” himself is the King of Carnival, a civic-minded über-stud who this year happens to be Paul McIlhenny, of the Tabasco McIlhennys.

Before the ball at the Canal Street Sheraton, we meet in the hotel bar. With Mardi Gras winding down, Kingfish is feeling expansive. He starts telling me of the Florida resort where his wife and children spent their Katrina exile. “It was this neoclassical place. Brand new. Beautiful. Palms. Old-looking houses. My wife was like, ‘it’s clean, it’s neat, good restaurants.’ But there’s no soul. Plus, I cannot f—ing stand to get on an interstate in

order to get to something. I live a pretty good life. My commute is like 12 minutes. I go to my club to eat lunch. I insulate myself from all the bad things in New Orleans, and I'm able to enjoy the good things."

One of those good things is the Rex Ball—satiny old dolls and dewy debs and rock-solid gray-haired eminences that you could trust with your wife, your checkbook, or even your wife's checkbook. But we don't stay long. Instead, we take some go cups and head outside, where hotel worker bees take a patchy looking red carpet that looks like it might've come out of the old Convention Center, and lay it across Canal Street to the Marriott.

It's a highly ceremonial gesture that will mean the formal end of Mardi Gras during the much anticipated "meeting of the courts," in which Rex and the oldest of old-line krewes, Comus, come together. While Rex is a parading and public-spirited organization, Comus withdrew from parading years ago when a city councilman tried to make it open its membership, which is supposed to be secret. Comus is night to Rex's day, the unknown to Rex's known, or to put it in cocktail terms that any New Orleanian could understand, absinthe to Rex's Herbsaint.

Historically, the meeting of the courts is held in Municipal Auditorium, with the two krewes separated by a curtain. Each year, a Comus captain marches over to the Rex Ball, and presents a scroll to Rex and his queen, inviting them to join the Comus ball. "You'd think they'd just Fed-ex it in advance," says Kingfish, "But they always forget." This year, however, the auditorium was closed due to Katrina damage, hence the red carpet across Canal Street.

Canal Street at night during Mardi Gras is a pretty dicey affair. And so the Kingfish and I have our entertainment cut out for us. As the red carpet is laid, the hoi polloi press in with what's-the-meaning-of-this exasperation. There are men who look like they were just furloughed from prison, and women with pants so tight that it would be easier to amputate than unzip. A hillbilly walks up with a "Drink beer" shirt. A black man with braids and gold teeth approaches, spies the red carpet, and utters "muthaf—al!" before vamping down it as if he is at the Source Hip-Hop Awards.

Kingfish puts on a happy face: "Six months ago, they were looting out here. This is great!" As the scene attracts more and more attention, the hotel staff gets panicky, and starts pulling empty limos along each side of the red carpet, forming an insular gauntlet. Kingfish shakes his head in disapproval. "They're gonna cause a goddamn riot," he says of the move. "Rex is gonna get the shit beat out of him with some beads."

In the upper floors of the Marriott, where Rex is sup-

posed to be headed, men in their evening finery flock to the windows to monitor the situation. Kingfish looks up at the Comus hotel, taking a hit off his go cup. "I can tell you what they're thinking: We sure are glad Rex comes over here." As Kingfish and I stand on the commoners' side of the gauntlet, he gets to thinking about the fashion stylings of the gentlemen around us. "Has there ever been a study done on the low pants thing?" he asks. "It doesn't really seem worth the aggravation just to look cool."

At this moment, a drunk tourist from Destin, Florida, approaches us. He is a middle-aged white man with a straw hat and oversized Mardi Gras beads the size of Christmas ornaments. He is well aware of the unfolding pageant and its significance. And he informs us that he's on a weekend pass from his wife. He throws his arm around Kingfish, and demands to be taken to the Marriott. "C'mon!" he says. "Let's go nail Comus's old lady."

Kingfish gives him the slip, as Rex members and their families begin to tepidly migrate across the red carpet. The men mostly look taken aback, the women smile the forced smiles of someone getting their wisdom teeth X-rayed. To ease the tension, Kingfish begins yelling over the limo roofs, "Hey—you were great in *Brokeback Mountain*." Two black teenagers walk up beside us, irritated that their progress is being impeded. "What is this?" asks one. "I don't know," says the other, "but it better be muthaf—n' Bishop Tutu or somethin'."

Over near the Marriott, there are raised voices that we can't quite make out. Two scruffy looking white youths are circling each other, and all of a sudden one lunges. You can hear the dull thud of bone landing on flesh. "Hmmm," says Kingfish. "I'll have to check the books, but I believe this is the first time there's been a fistfight at the meeting of the courts."

After what feels like an hour, the Tabasco king finally makes his way across the carpet. "Hail Rex," Kingfish says dutifully. "He points at him, and says to me, 'I hunt with him every year, great guy—he's a hoot.'" Kingfish then lets out a fraternal "quack, quack," as if he and Rex are in the blind. Mounted police have moved in to break up the fistfight. But they don't bother getting off their horses, since there are no hitching posts on Canal Street. Instead, they try to move the ruffians along by their collars. It's difficult, since one of them isn't wearing a shirt.

Kingfish and I stand in white tie and tails and go cups, watching the human carnival. He takes a sip of bourbon, cocks his head quizzically, and poses a question that seems to have occurred to him for the first time. "Am I crazy to live here?" he asks. Not a chance, I say, with some envy. He lives in New Orleans—where every day is anything-can-happen day. "Good. Glad to hear it," he nods appreciatively. "Because I still love the place. I can't help it." ♦

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The Way We Live Now

How America went suburban, and why BY VINCENT J. CANNATO

Sprawl. What is it good for? Absolutely nothing, say most critics. Browsing through a university library catalog recently, I found over 20 books on sprawl published since just 2000. Nearly every one of them takes a dim view of the subject, their titles oozing with doom, outrage, dismay, or some combination thereof: *Road to Ruin: An Introduction to Sprawl and How to Cure It*; *Up Against the Sprawl*; *City Limits: Putting the Brakes on Sprawl*; *Sprawl Kills: How Blandburbs Steal Your Time, Health and Money*; and *It's a Sprawl World After All: The Human Cost of Unplanned Growth—and Visions of a Better Future*.

You get the idea.

So one might have low expectations

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for Robert Bruegmann's recent contribution to the literature. Yet this book is a refreshing antidote to the avalanche of pessimism emanating from the so-called sprawl debate. As Bruegmann writes in his introduction, it seemed as

Sprawl
A Compact History
by Robert Bruegmann
Chicago, 301 pp., \$27.50

if "so many 'right-minded' people were so vociferous on the subject [of the perils of sprawl] that I began to suspect that there must be something suspicious about the argument itself." He approaches the topic with some much-needed skepticism toward these "right-minded" critics and adds a healthy dose of nondogmatic libertarianism to the mix. The result is an eminently readable and rational book.

What is sprawl? Bruegmann, a professor of art history and architecture at the University of Illinois at Chicago, defines it as "low-density, scattered, urban development without systematic large-scale or regional public land-use planning."

Critics charge sprawl with all manner of sin: causing global warming, pollution, and the depletion of natural resources, aiding the nation's so-called obesity crisis, increasing economic and racial inequality, destroying the family farm, and despoiling open spaces, killing off American cities, encouraging "big-box" retailers like Wal-Mart who underpay their workers and kill "mom-and-pop" businesses, and creating conformist communities whose residents neglect the public interest for their own personal "privatopia." On top of that, they argue, suburban sprawl is just plain ugly.

The ideology of the anti-sprawl

camp is easy to pare down to basics. Cars and roads are bad, public transportation is good. Low-density development is bad, high density is good. Local government is bad. Regional or metropolitan government is good. Private, “unplanned” development driven by the market is bad. Planned development according to the dreams of urban planners is good. Cities are the apex of American civilization and society. Suburbs and exurbs are drab, conformist, and politically reactionary.

Sprawl: A Compact History tugs at nearly every aspect of the anti-sprawl critique and finds many of the theories wanting. Bruegmann also places the issue within the larger historical context. He attempts to show that dispersal from high-density core areas to low-density outer areas is a phenomenon common not just to modern America, but also ancient Rome and 19th-century England. He also argues that sprawl is not simply a phenomenon found in free-market-mad America, but also in more “noble” societies like Europe, Canada, and South America.

We think of central Paris as a wonderful example of how to emphasize high-density urban living, but Bruegmann notes that, between 1962 and 1990, Paris’s population dropped by more than a half-million, and saw its population dwarfed by its inner and outer suburbs, filled with single-family homes, industrial parks, and shopping centers. “By 1999,” writes Bruegmann, the larger Parisian metropolitan area known as “Île-de-France had nearly 10 million people, meaning that the city of Paris accounted for fewer than a quarter of all Parisians.”

So what really lies behind the arguments against sprawl? Bruegmann seems to pinpoint the issue. Although suburban sprawl, like any other social or economic trend, creates its own set of issues, “the driving force behind the complaints at any period seems to have been a set of class-based aesthetic and metaphysical assumptions, almost always present but rarely discussed.”

Although the current sprawl debate dates back to the mid-1990s, it’s really a much older story. The crusade against sprawl is merely the latest saga

of the battle against suburbia that began in the 1920s, blossomed in post-war America, and continues with today’s jeremiads against sprawl.

It was not until after World War II that suburbia became a mass phenomenon. Thanks to a booming economy, lower down payments, and the Federal Housing Administration and GI Bill, even working-class Americans could afford a suburban home. And that seems to have set off much of the criticism. Lewis Mumford captured the feeling when he wrote that suburbia was not much of a problem when it “served only a favored minority But now that the drift to the outer ring has become a mass movement, it tends to destroy the value of both environments without producing anything but a dreary substitute, devoid of form and even more devoid of the original suburban values.”

John Keats published his famous satire of suburbia in 1956 called *The Crack in the Picture Window*, featuring suburban residents John and Mary Drone. And when counterculture icon and self-styled man of the people Pete Seeger sang about working-class suburban housing, they were “little boxes of ticky tacky.”

So much for the “people.”

The biggest flaw of Bruegmann’s book is also its strength. In writing a readable and brief (under 300 pages) review of the current literature and history of suburbia and sprawl, Bruegmann often gives a cursory gloss on some of the arguments against suburban sprawl. A huge ideological infrastructure has gone up to prove the evils of suburban and exurban development and the American government’s complicity in creating it. It will take more than one short book to tear the house down. But Bruegmann’s history is a start—as is the work of Joel Kotkin and a few others.

Just a few of the conclusions that Bruegmann makes about sprawl are: commuting times nationwide have not increased dramatically; Los Angeles, often seen as the epitome of sprawl, is actually one of the densest cities in America; densities in most American cities have either leveled off or are

increasing; and automobile use in mass-transit-friendly Europe is quickly catching up to American levels.

Bruegmann reminds us that, for years, planners and reformers complained not of low-density sprawl, but of high-density urban settlements. These overcrowded city neighborhoods were seen as incubators of disease, crime, and poverty by progressive reformers. It is no wonder most residents of these areas left for greener and more spacious pastures.

Bruegmann is also skeptical of the conventional wisdom among historians that federal policies, like the FHA, interstate highway system, and federal homeowner tax deduction, helped favor suburbs over cities. He also downplays racism as a factor, noting that black city residents have been just as interested in moving to the suburbs as their white counterparts. In fact, today, immigrant melting pots are more often found in suburbs and exurbs than in big cities. (I recently visited a strip mall in Rockville, Maryland, a classic sprawl community, where a halal meat shop was next to a flower store owned by Indians and across the street from a Peruvian chicken restaurant.)

As for Portland, Oregon—the Holy Grail for anti-sprawlers—Bruegmann devotes a large section to it. Portland is often touted as a model for “smart growth,” with a highly planned urban center linked to radial town centers by mass transit, with lots of land set aside outside the city for green space. To opponents, Portland’s policies have made land more expensive, creating an upper-middle-class amusement park while pushing sprawl further out beyond the urban growth boundary for those unable to afford Portland. Bruegmann is fairly agnostic on the Portland experiment—it is a beautiful city, after all—but notes its smart growth proposals are not likely to be exported to other cities with much success.

While some critics of sprawl are residents of areas affected by such growth, most of the intellectual and policy critiques are driven by other reasons. The anti suburb and anti-sprawl literature betrays a growing alienation of some of

the New Class from modern American society, as it continually bumps up against reality. "Within the past several decades, many of the people who still think of themselves as progressive have turned pessimistic," Brueggemann writes, "and have concluded that things have actually gotten worse rather than better." As a result, they want to limit growth (actual and economic) and wax nostalgic for an older way of life.

There is more to the debate over sprawl than just anti-Wal-Mart hysteria and anger over traffic. At heart, it's about politics, broadly speaking. The decentralizing trends in living and working patterns, first in suburbs and later in exurbs, have been deeply problematic for the Democratic party and the American left. So have the decentralizing patterns of the American economy in the last several decades, and the ongoing decentralization of information and media.

The postwar suburbs eventually helped break the New Deal coalition. In 2004, George W. Bush carried nearly every fast-growing exurban county, and the exurbs have helped elect Republican governors in once-rock-solid Democratic Maryland and Massachusetts. Some people have argued that exurbs are red-state incubators, where more housing for less money means larger families and growing political power for a more conservative-minded population.

Though Republicans have capitalized on these trends, their ongoing success is not assured. As Fred Barnes and others have noted, the recent gubernatorial election in Virginia was alarming for the fact that not only did the Republican candidate lose large inner suburbs like Arlington and Fairfax, but he also narrowly lost exurban counties like Prince William and Loudoun, normally solid Republican territory.

This should remind us that, while sprawl's critics overstate their case and betray their own personal and social biases, there are some problems in these areas. Suburban and exurban residents are concerned about traffic, congestion—yes, these areas are getting

more dense—and the quality of their schools. Big-city problems like crime and gangs have also begun to affect these neighborhoods. In Virginia, this allowed Democrat Tim Kaine to portray himself as a suburban technocrat eager to fix problems.

When Republicans talk about urban issues, they largely speak of inner cities and poverty. The decade of the 1990s was the decade of cities, as mayors across the country challenged liberal orthodoxies in city government. Republicans and right-leaning think tanks helped lead the way. But in the first decade of the 21st century, Republicans need to relearn the language of the suburbs and exurbs. That's where the votes are.

While suburban sprawl might not be everyone's cup of tea, (including mine) sprawl-like communities seem to afford a large number of people the kinds of lives they wish to lead. Sprawl critics have yet to convince large num-

bers of Americans that their solutions for engineering private choices about how and where to live and work will result in greater social benefits or happiness.

Sprawl is messy, chaotic, and sometimes annoying. In short, it is everything one expects from a free and democratic society. Leave the neat and clean societies for totalitarian regimes. Sprawl creates problems, just like every other social trend; but to damn it for its problems is akin to outlawing the sun for causing skin cancer.

Robert Brueggemann reminds us that much of the anti-sprawl crusade is a result of a rising level of prosperity, and the complexity of millions of individual decisions made on a daily basis by millions of citizens. Better to have to deal with long commutes and strained infrastructure than malaria, cholera, or declining life expectancy.

In terms of problems, I'd take sprawl any day. ♦



Doctorow's War

*With William Tecumseh Sherman, from
Atlanta to the sea.* BY PRISCILLA M. JENSEN

Though popular interest in the Civil War has gone through periodic surges and declines since about autumn 1865, the most recent vogue for re-examination, analysis, and romance has been going pretty strong since at least the late 1980s. Perhaps the continuing vigor of this fad is nourished, in part, by the domestic political atmosphere. Through the past decade or so, experiences from Bill Clinton's, um, dissembling, through the divisive contest over the 2000 election, the shock of 9/11, and deeply felt

disagreements over the Iraq war have sustained a maelstrom of emotion. One needn't exaggerate its long-term importance to recognize that many people seem to be experiencing an

unprecedented degree of overlap between their personal feelings and their political beliefs, and to see that the metaphor of the

house divided might strike a resounding chord right about now.

I was inclined to speculate further along these lines when I found that E.L. Doctorow, no slouch in the jeremiad department, had chosen as the setting for his new novel the earth-scorching trajectory of William Tecumseh Sherman's famous march

The March
by E.L. Doctorow
Random House, 363 pp., \$25.95

Priscilla M. Jensen writes from McLean, Virginia.



'Sherman's March to the Sea' by F. Darley

from Atlanta to the sea. *The March* as metaphor, even as allegory? It would be hard to beat, and I rolled up my sleeves to be reminded about What is Wrong with Something, probably America.

And immediate chagrin over my own smugness was quickly salved by the absorbing pleasure of reading this complex, splendid story. *The March* is not a pamphlet, or a treatise, or even a war novel. It is a very fine, even a great, novel about the nature of important things—war, human nature, freedom, imagination—and a riveting story as well.

In a series of parallel narratives, Doctorow follows the experiences of a wide cast of characters—dispossessed planters, newly freed slaves, a number of officers on Sherman's staff, the general himself—caught up in the march and its periphery. As he has done elsewhere (*Ragtime*, for example), Doctorow introduces to one another people who would otherwise be unlikely to meet, and here places them in the context of historical events that could hardly be surpassed as dramatic narrative. The suspense, and the suspension of daily life, as southerners, black and white, wait for the Federal army to arrive; the “foraging” and burning; battles and skirmishes; and above all, the momentum of the march itself, form an irresistible movement that sweeps the reader along with the participants.

The threads of the story are inextricably intertwined; none of the characters is dispensable. But the tale of Will

Kirkland and Arly Wilcox, two very young Confederate privates tossed about in the chaos, weaves the strands into a whole. Will and Arly meet when they're both under sentence of death, thrown into the Confederate hoosegow in Milledgeville for desertion and sleeping on guard duty. Reprieved to rejoin the Confederate defense against the approaching Federals, they join in the fighting around a covered bridge and, in the confusion of battle, slip over to the other side in hopes of escaping the war altogether. Swapping their uniforms with dead Yankee soldiers—Will tries to remember “what the word was for the next thing down from a deserter”—they find themselves back in Milledgeville with the occupying forces, caught up in the tide that will toss them between the sides like flotsam.

Arly is philosophical. He considers that, as God has saved them from execution, He must surely have a plan in mind, and Arly is determined to use his own “good sense and artful cunning” to figure it out. With his eagle eye for the main chance, Arly is able to maneuver himself and the bemused Will through a series of protean changes: from Rebs to Yanks and back again a couple of times, till they land on their feet as ambulance attendants with a Federal field hospital.

The hospital's surgeon, Wrede Sartorius, is drawn in sharp contrast to the unlettered and hapless boys. He's another sort of philosopher entirely. Without exactly making him into a symbol, Doctorow is generous with

allusions that indicate Sartorius's nature and disposition. “Wrede” is an old Dutch or Low German word that means “fierce” or “cruel,” and “Sartorius” is a Latinized way of being called “Tailor”—as he is in his skillful and impersonal cutting and sewing. (The echo of Faulkner appears to be accidental, though Carlyle would bear some looking into.)

Sartorius prides himself on his rejection of the constraints of his German upbringing, and of the “military mind.” He's a brilliant surgeon who gets away with his disregard of army hierarchy by his effectiveness; a prophetic diagnostician who assures his companion Emily Thompson that someday “we will have found botanical molds to reverse infection. We will replace lost blood. We will photograph through the body to the bones. And so on.” (He even diagnoses Lincoln's Marfans syndrome, though not in so many words, when he encounters the president much later.)

Emily, “Judge Thompson's daughter from over at Milledgeville,” has joined the march after her home is overrun and her father dies. At first, she sees Sartorius as “transcendent . . . like some god trying to staunch the flow of human disaster.” She is fascinated and seduced by him, figuratively and literally, as he explains the nature of the march. It is a “nonhuman form of life,” he says, a “great segmented body . . . self-healing” that replaces dead “cells” (soldiers) with living ones. But when she talks with him about what's happened to a woman demented by the war, she sees further into him:

Emily said, “Then it's not the brain but her mind that's afflicted?” “The mind is the work of the brain. It's not something in itself.” “Then an affliction of her soul, perhaps.” Wrede had looked at her, regretting her remark. “The soul? A poetic fancy, it has no basis in fact,” he said, as if he shouldn't have to tell her.

But when Emily hears the demented woman play Chopin, she asks, “‘What is this I hear if not a soul given as music?’ And immediately she ran

off to gather her belongings.” She has accurately seen that Wrede is “a magus bent on tampering with the created universe.” (See Doctorow’s *The Waterworks* for the harrowing finale of Sartorius’s career as magus.)

Wrede Sartorius is not an uncomplicated magus, all the same, as we see in his horrifying and poignant attachment to the wounded Albion Simms, “physically unimpaired but for an iron spike in his skull.” Wrede is fascinated by the scientific phenomenon at first—the loss of memory but the sound reflexes and ability to see and hear. So he has a cage built to transport the unfortunate man in order to test his idea that the brain will “recede like an outgoing tide.”

“Albion Simms would deteriorate under study.” “The plethora of casualties” allow Sartorius to consider the war a “practicum.” Yet this appallingly mechanistic point of view (though he never abandons it) is tempered by occasional awareness. Sartorius, for whom science is all, still is haunted by a sense of tragedy. He wonders on a rainy morning if there is a similarity between himself and Albion, “as if something had been severed as well in the Sartorian brain that impelled him now to seek knowledge with no regard for the consequences.” He is unable to reck his own rede.

Meanwhile. (This is the sort of story that invites one to recommence with “meanwhile.”) Meanwhile, Will and Arly, finding themselves left behind after a respite in captured Savannah, attempt to rejoin the march. When Will is wounded trying to steal a horse, Arly takes him along in an ambulance wagon for verisimilitude. Arly contemplates their partnership.

Any day now, I b’lieve we will hear what God has meant for you and me to do in this sad war and what his reason was . . . [to] set us to traveling with the wrong army. There is a mighty purpose that we are meant to fulfill.

And there is, but it is a mighty burden, revealed to Arly by his companion’s death. With the fortuitous inheritance of a photographer’s wagon, he sets off to find General Sherman him-

self and to carry out the “mighty purpose” that has been made known to him.

The March is an interestingly literate novel; both in style and substance, Doctorow locates it firmly in the Western tradition. There is active allusion and reference. Dr. Marcus Aurelius Thompson and his slave Sophie on the train to a siding in nowhere: “Am I the Pharaoh?” he asks of her. “Because if I’m the Pharaoh I’m convinced. I don’t need no frogs, nor no locusts, I’m letting you go.” Tents in an army encampment are like Cadmus’ “crop of teeth sprung up from the earth.” A fleeing matron appears at a relative’s home “standing up in the equipage like some hag of doom,” an erinye. And Arly echoes the psalms and the atavistic image of journey when he tries to encourage Will at one point:

On the march is the new way to live. Well, it ain’t exactly that new. You take what you need from where you happen to be, like a lion on the plains, like a hawk in the mountains, who are also creatures of God’s making, you do remember. We may have dominion over them, but it don’t hurt to pick up a pointer or two.

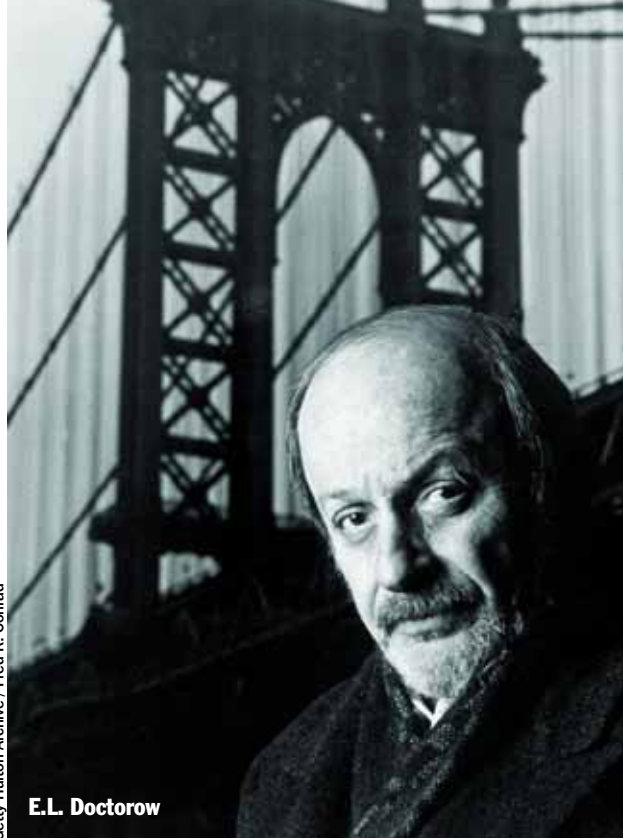
Doctorow calls also upon the ancient and persuasive trope of sympathetic nature to paint a world at war. Dust rises around an approaching army as “an upward streaming brown cloud . . . as if the world were turned upside down.” Scenes of limbing trees for firewood are juxtaposed with scenes of limbing men. In particular, images of rivers, swamps, and fog, literally accurate, stand in as well as metaphor for the uncertainty of battle. General Sherman sees a skirmish as if “the smoke were the diaphanous dance veil of the war goddess.” It’s marvelously evocative and a sobering reminder that cliché (“the fog of war”) may well have its origin in the literal.

It’s through the portrait, at times almost endearing, of Sherman, that one begins to get at what’s seriously

problematic with Doctorow. It’s not at all problematic in the novel, but it casts a curious light on those outside jeremiads. Doctorow’s Sherman rings true, drawing on the great fund of what we do know about him to explore his paradoxical character.

“Sherman affected the sloppy uniform, and shared the hardships, of the enlisted man.” More than once, “Uncle Billy” goes unrecognized in his “old beaten up cap, and a cigar stub in his mouth,” and when Columbia is unintentionally burned, he joins the fire brigades himself for a time.

But the officers on his staff have seen him in despair after the death of his son Will, and various strategic reverses. The observant Colonel Morrison believes Sherman is proud and cynical, concealing a feeling of “superiority to all,” and careless of the deaths of his troops. Sherman wrestles with these contradictions himself, fearing death mostly as “a profound humiliation.” Yet he contemplates, at times, the deaths of individual soldiers, and writes a moving letter to the Confederate General Hardee when his son, another Will, is killed in an engagement with Sherman’s troops. (There are four dead Willies mourned in *The March*: Sherman’s son, Hardee’s, and



Getty Hulton Archive / Fred R. Conrad

E.L. Doctorow

Lincoln's, and the Kirkland's boy from North Carolina, and we're intended to notice them all.)

Sherman is mightily impatient with governing the towns he captures, or dealing with the freedmen who follow his train and civilian cavillers in Washington. He is splendidly disdainful of the southerners who have brought war upon themselves, and yet think that its consequences might be controlled. And humming "The Ride of the Valkyries," he is brought low by what he calls God's envy, when he reads in a newspaper of the death of another son. (This is a vivid scene but regrettably unlikely, since *Die Walküre* was not performed till 1870.)

The understanding shown in this nuanced portrait, and the completely imagined world realized in *The March*, disconnect violently from Doctorow's public rhetoric. In a vituperative opinion piece on "The Unfeeling President," published in 2004, he scorns George W. Bush up one side and down the other: "The president does not know what death is. He hasn't the mind for it." He charges Bush with feeling nothing, regretting nothing, mourning nothing, when he sends young soldiers off to war. Leaving policy debate essentially aside, he presumes to see into Bush's soul, and neither charity nor, failing it, prudence moves him to consider the possibility that feeling is not always publicly parsed.

Doctorow allows Sherman to contemplate the general's paradoxical situation: "[P]erhaps we call a private a private, for whatever he is to himself it is private to him and of no use to the General. And so a generalship diminishes the imagination of the General." The commander in chief is a general as well. It has to be in the nature of war that generals consider armies as men *en masse*. It is, indeed, also the case that they are bound in morality and justice, in their prayers and in their counsel, to consider the individual human casualties of the wars they prosecute.

But Doctorow doesn't require Sherman to ponder these things in public, or even demand a *cri de coeur* of the Christ-like Lincoln, who appears near

the end of *The March*. The comprehensive imagination that has allowed him to make a nearly perfect war poem of this novel is not even briefly brought to bear on reality. And this has a curious result. The poem, the work of making, in its completeness is more reasonable and true than his diatribe on this present war. Perhaps it's the case that the irony of this, unrecog-

nized, feeds the violence of Doctorow's anger with George Bush.

For the thoughtful reader, especially if he's concerned with the perilous state of mind that encourages roiling emotion to color policy preference, *The March* lays out profound, true pictures of genuine complexity. Perhaps Doctorow would profit by rereading his own book. ♦



Pious the First

McNuggets of wisdom from the 39th president.

BY STEVEN F. HAYWARD

It is difficult, when confronting the miasma of tired bromides strung together in this book, to point to a single childlike sentimentality that fully expresses the smallness of Jimmy Carter's soul, but this one comes close: "[Rosalynn and I] have been amazed at the response of people to these new latrines, especially in Ethiopia, and to learn that the primary thrust for building them has come from women."

If Carter merely confined himself to digging latrines in countries that lack the common sense to dig them for themselves, he would deserve many of the public accolades he receives. But he trades on his humanitarian good works to burnish his image as an elder statesman, brimming with oracular profundity. The result, as in his current book, is as empty and embarrassing as the naked emperor's new clothes.

What Garry Wills once called Carter's "willed narrowness of mastery" is on full display in *Our Endangered Values*, which offers a complete

inventory of current liberal clichés. But it is so weakly executed that, had the manuscript come across the transom from an assistant professor named John Smith instead of St. Jimmy of Plains, it could only have found print with a vanity publisher. *Our Endangered Values* makes Al Gore's *Earth in the Balance* read like the *Critique of Pure Reason* by comparison.

Reason by comparison.

That Carter gets away with passing off his jejune axioms as serious political thought is a barometer

of the senescence of liberalism. Liberal Intellectuals once looked askance at Carter. When Carter first arrived on the national scene in the mid-1970s, his superficial references to Reinhold Niebuhr, Karl Barth, and other thinkers set off alarm bells among LIs such as Arthur Schlesinger Jr. Schlesinger, who had been close to Niebuhr, could detect none of Niebuhr's hard-headed realism in Carter's use of Niebuhr's words, causing him to wonder "whether Mr. Carter can really have understood Niebuhr." Schlesinger was not alone among LIs, who grasped immediately Carter's essential fraudulence and warned that he would be a disaster for the Democratic party. Yet now liberals look the other way as Carter fetes Michael

Our Endangered Values

America's Moral Crisis

by Jimmy Carter

Simon & Schuster, 224 pp., \$25

Steven F. Hayward, the F.K. Weyerhaeuser Fellow at the American Enterprise Institute, is the author, most recently, of *Greatness: Reagan, Churchill, and the Making of Extraordinary Leaders*.



At the funeral of Coretta Scott King

Moore in the presidential box at the Democratic National Convention.

Carter's previously meager theological reflections shrivel to nothingness in *Our Endangered Values*. He equates fundamentalist Christianity in the United States with radical Islamist fundamentalism, as though Southern Baptists were about to sign up for flight school. He purports to respect diversity of theological views within different Christian denominations, but then attacks those conservative denominations that won't ordain women. He charges that "religious and political conservatives have melded their efforts, bridging the formerly respected separation of church and state," though he offers no specific examples or any extended analysis of the contentious constitutional aspects of this issue.

Carter criticizes government aid to religious organizations—the "faith-based initiative"—because these religious efforts are inferior to "more broad and equitable government programs that address the wider needs of the poor for economic justice, with access to training for jobs, affordable housing, health care, sound education, and a livable wage." No doubt the poor share his enthusiasm for all those

highly successful government programs that church organizations can't match.

Carter's warnings against blending religion and politics represent a breathtaking hypocrisy and lack of shame from the person who paraded his "born-again" faith as a cornerstone of his presidential campaign in 1976. But this should not surprise us from the person who embraced George Wallace on his path to the Georgia governorship, but later accused Ronald Reagan of race-baiting.

Carter's confusion over foreign affairs matches his confusion over religion and politics. He doesn't like missile defense. He doesn't like John Bolton. He doesn't like the Patriot Act. He doesn't like "neocons." He admits that he doesn't quite understand what neoconservatism is, though he somehow knows it is allied with religious fundamentalism. He thinks we should have "increased development assistance with fewer strings."

He thinks Pope John Paul II drove people out of the Catholic Church because the pope's anticommunism prevented him from embracing liberation theology in Latin America. (This passage makes one appreciate more fully the patience and forbearance of

Zbigniew Brzezinski, who, Carter relates, attempted to explain to Carter the reasons for the Polish pope's "inordinate fear" of communism.) The North Korean impasse is wholly the fault of the Bush administration's ideological intransigence and lack of flexibility. And those meanies in the Bush White House recently prevented him from cuddling with Syria's Bashar Assad.

Carter cites without irony the New Testament verse (Hebrews 11:1) that "faith is the substance of things hoped for, the evidence of things not seen." It is too much of a leap of faith to hope for any substance behind this man's moral vanity, or any evidence of an unseen statecraft that once led a bare majority of voters to think he was suitable to be our commander in chief. Murray Kempton wrote sagely in 1994 that Carter "has no clear idea of the shrine he seeks except that it is built for him."

Our Endangered Values prompts a recollection of a small detail from the nadir of his presidency. It was reported in 1979 that Carter's favorite book, and the inspiration for his infamous "malaise" speech, was Christopher Lasch's *The Culture of Narcissism*. He must have thought it was his biography. ♦



'Doctor Atomic'

John Adams and the quest for American opera.

BY KELLY JANE TORRANCE

John Adams has made a career of creating art from recent events. One of the country's most important composers, he specializes in turning the messiness of American politics into grand myth.

Sometimes it works to great effect. Adams won a Pulitzer Prize for his 2002 work *On the Transmigration of Souls*. It was commissioned and performed by the New York Philharmonic to commemorate the first anniversary of the September 11 attacks. *Nixon in China*, his first opera, was about just that. Critics seemed astounded that Adams had managed to put the president's 1972 meeting with Mao into the grand, primarily European, tradition of opera.

The Death of Klinghoffer, his next opera, followed in 1991. That work, about the hijacking six years earlier of the *Achille Lauro* by Palestinian terrorists and their murder of a Jewish-American passenger, saw protests as soon as it had its premiere in Brussels, from both Jewish and Arab groups. The one saw the opera as anti-Semitic; the other saw it as pro-Israeli. Many companies that had planned to present the work demurred after the controversy.

The tough reception for *Klinghoffer* was hard on Adams; he said at the time that he would never write another opera. But artists have always made—and ignored—such pronouncements, and so Adams's latest work based on real events, *Doctor Atomic*, fittingly had its premiere this past fall at San Francisco's War Memorial Opera House.

Adams's ambition has not waned.

Kelly Jane Torrance is books columnist for American Enterprise Online, arts and culture editor of Brainwash, and fiction editor of Doublethink.

Doctor Atomic tackles one of the defining events of the 20th century, the creation of the atomic bomb. The action takes place in June and July 1945, as the Los Alamos scientists prepare for (and debate) the bomb's first test. The group had been racing to complete the multibillion-dollar project, convinced that the Germans were doing the same. But, by the summer of 1945, Germany had surrendered; the likely target is now Japan.

Everyone is on edge: "Our conflicts carry creation and its guilt," Kitty Oppenheimer deftly observes, while the Hungarian physicist Edward Teller wonders, "Could we have started the Atomic Age with clean hands?" J. Robert Oppenheimer, the laboratory's director, is a bundle of nerves. Idealistic Robert Wilson wants him to urge the government not to drop the bomb on Japan. Edward Teller is a mass of angry resentment. Oppenheimer's alcoholic wife Kitty competes with the bomb for his attention. And the government wants a resounding success for the billions it's spent.

The real-life story certainly contains the elements of a good drama. So much that director Peter Sellars fashioned his libretto almost entirely out of historical documents—previously classified materials, letters, reports, and documented conversations. There is some poetry: Oppenheimer was a cultured man, fond of quoting verse. (He recited from the Bhagavad-Gita after the test bomb exploded, here set, perhaps predictably but surprisingly effectively, to *Carmina Burana*-like music.) Sellars gives Kitty Oppenheimer, for whom there wasn't much documentary material available, the words of Muriel Rukeyser, a contemporary poet who was a Communist sympathizer, like the

Oppenheimers themselves.

This attention to detail might seem admirable, particularly to those who dislike their art filled with historical inaccuracy. But it has not helped the opera's success *qua* opera. Beauty, all-important to a work of art, here has been sacrificed to accuracy. The words actually spoken by the principals weren't always mellifluous, after all, and so Adams often has a hard time getting a melody around the speech. But it may not entirely be Sellars's fault; the composer has had this problem before.

Adams's gifts lie elsewhere. He has a way with choruses, for instance, which frequently serve as the moral center of his works, their beauty belying the ambiguity that is often his subject. In *Doctor Atomic*, chorus members are often dressed as the workers who sing about the bomb's possible consequences—"unimaginable devastation"—as they help to create it. Particularly moving is the rundown of possible targets for the bomb. The beautiful voices underscore that the name of each Japanese city stands for a multitude that would be destroyed.

But the central figure, of course, is Oppenheimer, and neither the composer nor the librettist disappoints here, either. Here is a man who quotes John Donne and Charles Baudelaire, but could be responsible for the destruction of the world. (In the case of Baudelaire, this might not be all that much of a paradox.) Of course, it helps that he is portrayed by Gerald Finley, a Canadian baritone whose star is swiftly (and deservedly) rising. Finley manages to make nuclear physics sound incredibly sensual.

"To what benevolent demon do I owe the joy of being thus surrounded?" he sings, looking longingly up at the bomb. And he can act.

The high point is Finley's wrenching D-minor aria set to a John Donne sonnet—the one that inspired Oppenheimer to name the test site "Trinity"—that begins, "Batter my heart, three-person'd God." The words, which tell of a man in conflict with his God and himself, echo the theme of *Doctor Atomic* as *Doctor Faustus*,

whose quest for knowledge brought forth the Devil.

In between Finley's dramatic reading of the words—*That I may rise and stand, o'erthrow me, and bend / Your force to break, blow, burn, and make me new*—Adams has written some bewitching music to represent the inevitably successful attraction of knowledge. Oppenheimer, like Teller and others, sees the creation of the bomb as a confirmation of the greatness of the human mind. Naive Robert Wilson doesn't stand a chance.

The "Batter my heart" aria actually sounds like something written during the time of Donne. It's not really like anything else in the opera. And therein lies the problem. John Adams has a great many influences. He learned from, rejected, and then went back and assimilated the serialist music he studied at Harvard. Then he became one of the country's foremost minimalists, along with Steve Reich and Philip Glass. Much of Adams's vocal work draws on the oratorios of Bach. But he also integrates more recent forms, like jazz. He can channel Wagner, particularly in his use of the orchestra in passing judgment on events onstage.

But all these influences threaten to overwhelm. Adams's work often suffers from a mishmash of styles, and *Doctor Atomic* is no exception. The composer simply hasn't yet made opera a genre of his own, despite some very good attempts. And like his past operas, *Doctor Atomic* contains little that is memorable, beyond a moment here and there. It all makes for an interesting evening of theatre, but not much of it will remain with you, musically, afterward.

How does it rate as theatre? There's no question that this opera has some effective moments. It's not all doom and gloom, either. Adrienne Lobel's mostly abstract sets changed color with the mood, from gloomy blue to electrifying red. Sellars wisely provided some relief now and then from the omnipresent bomb, which, in Act Two, literally hangs over all—including, not too subtly, the Oppenheimer's baby crib.

Particularly funny are scenes involv-

ing General Leslie Groves. The hard work of bass Eric Owens always garnered audience laughs, as when he informed Jack Hubbard, "The test will proceed tomorrow with full weather compliance—or you will spend the rest of your life behind bars, Mister Meteorologist." Hubbard was one of the standouts as performed by baritone James Maddalena, who created the roles of Nixon in *Nixon in China* and the Captain in *The Death of Klinghoffer*.

The ending may disappoint some, though: After two hours of build-up, some kind of grand release seems deserved. A cynic might say that Adams didn't know how to write the sound of a bomb exploding. But the composer seems to have taken T.S. Eliot's prediction to heart: "This is the way the world ends / Not with a bang but a whimper."

Adams is true to his minimalist roots and opts for understatement. The opera's ending is powerful despite its near silence. The voice of a military official serenely describes the effects of fallout. Instead of crashing music of dread and thunder, we hear the barest sounds of percussion. Finally, the recorded voice of a Japanese survivor fills the room. Only a few people in the audience could understand what she was saying. But everyone could comprehend her despair.

Of course, wringing emotion out of the bombing of Hiroshima and Nagasaki may be easy. Explaining how it happened is harder—particularly in a dramatic opera. It's a genre, after all, that tends to the black and white; the real world does not. You don't find too many flawlessly virtuous heroines in real life. Or thoroughly evil villains. But that is basically the model on which librettist Peter Sellars has forced the people and events of 1945.

Some—like Kitty Oppenheimer—just can't bear the weight. The role of Kitty was written for the mezzo-soprano Lorraine Hunt Lieberson, but estimably, if not powerfully (despite amplification), performed by Kristine Jepsen when Lieberson withdrew due to a back injury. The wife and her maid give the opera its feminine foils, musically and stereotypically. While the

men are out building bombs to blow things up, the women stay at home and sensitively worry about the consequences. While the men ignore the people of Japan, Kitty sees visions of the dead. Her theme of life—"Nothing can black that glow of life," she sings—is odd for an alcoholic, as they're usually self-destructive.

In *Doctor Atomic* she's ambivalent, at best, toward her husband's job; their real-life shared Communist sympathies, which must have been intertwined with his important work, go completely unexplored. The complexity of the real events is lost. But then, these flaws wouldn't have served Sellars's purpose. For it seems he certainly had one, and it wasn't purely artistic. He's practically announced it: Sellars teaches a class at UCLA entitled "Art as Moral Action." *Doctor Atomic* seems like an attempt to make a point rather than a successful opera.

For all the controversy it engendered, *The Death of Klinghoffer* was remarkably even-handed. Of course, that balance was exactly *why* the opera upset so many. But it also gave the work its power. Librettist and poet Alice Goodman didn't have any agenda other than to explore human nature, in all its varieties. Unfortunately, it seems Goodman and Adams had a falling-out after they worked together on *Klinghoffer* and *Nixon in China*. The composer turned to Sellars, who was stage director of those works, for his libretto, and in doing so, he let politics trump art.

"Lord, these affairs are hard on the heart," Oppenheimer sighs just before the bomb goes off, for all intents and purposes the last line of the opera. And it's true—wars and how to fight them are a vexingly difficult question. Unfortunately, *Doctor Atomic* doesn't get at quite how difficult. But John Adams should be given credit for forging the way to a truly American operatic tradition.

The music isn't quite there, and this time, the libretto certainly wasn't. But he's shown that American life can be just as big and symbolic as, say, that of a bunch of Bohemians living in Paris. ♦



'A' for Absurd

It's 'Atlas Shrugged' for the Loony Left.

BY JOHN PODHORETZ

Think of *V for Vendetta*, the new movie written and produced by the brothers who made the *Matrix* pictures, as an *Atlas Shrugged* for leftist lunatics.

Ayn Rand's 1957 novel portrayed a dystopic future in which every paranoid libertarian fear of evil statism was fulfilled. *V for Vendetta* is set in a dystopic future as imagined by Noam Chomsky, Harold Pinter, *dailykos.com*, and Michael Moore—a future in which we learn that the “war on terror” was a plot hatched by evil right-wing politicians who used weapons of mass destruction against their own people to create the conditions for a homophobic, theocratic, totalitarian regime in which the only happy people are those who get paid off by a pharmaceutical manufacturer.

In *Atlas Shrugged*, the message of liberation is delivered by a faceless figure named John Galt, who commandeers the nation's airwaves to deliver a speech proposing a nationwide strike against the state. The John Galt of *V for Vendetta* is a man wearing a mask bearing the likeness of Guy Fawkes, the instigator of the early 17th-century plot to blow up the House of Commons. The masked man, known only as V, takes over the British airwaves in 2020 and promises to blow up Parliament.

And just like *Atlas Shrugged*, *V for Vendetta* is an exercise in didactic propaganda in the guise of an adventure story meant to appeal to teenage

boys and their narcissistic fantasies about being at the very center of the universe. Both works prominently feature a cool, beautiful, and skinny chick who throws in her lot with the nerds. In *Atlas Shrugged*, it's the railroad manager Dagny Taggart who joins with Galt. In *V for Vendetta*, the

beauteous waif Natalie Portman plays Eevy, who throws in her lot with V and falls for him even though he wears a

ludicrous wig, minces about like the Olympic skater Johnny Weir, hands out flowers like Ferdinand the Bull, and is horribly burned.

Speaking for any adolescent male who feels self-conscious about his skin, V tells Eevy that she needn't see his scars, because the face under his mask doesn't represent the real him. V can go anywhere undetected and do anything, but oh, how lonely he is, sitting alone in his basement lair watching *The Count of Monte Cristo* and listening to music all by himself on his old jukebox, wearing his mask even in solitude. *V for Vendetta* began its journey to the screen as a comic book, and V is the ultimate comic-book protagonist—the Superhero loser.

Atlas Shrugged is a primer in Rand's own ludicrous Objectivist philosophy, complete with the full text of Galt's broadcast speech, which runs longer and is far less interesting than a Fidel Castro stemwinder. *V for Vendetta* is a two-hour alternative history lesson of the past four-and-a-half years. There was no terrorist threat to Britain, America, or the world. Rather, the threat was entirely the result of a plot

hatched by a “deeply religious politician of the Conservative party” whose security chief uses prisoners at an Abu Ghraib-like facility as guinea pigs in a biological warfare experiment he then unleashes on the people of England. A hundred thousand die, “terrorists” are rounded up, and the “deeply religious politician” is elected dictator by a desperate populace that has allowed itself to be seduced into making decisions from unwarranted fear.

“There is something wrong in this country,” V tells the people of Britain in his speech. But he doesn't just blame the government. Like John Galt, he blames the people: “If you are looking for the reason, you need only look into a mirror. Fear got the best of you.”

If you believe that the entire edifice of the war on terror is built on lies and more lies, then *V for Vendetta* is for you. Its admirers, like the critic James Wolcott, are throwing around terms like “subversive” and “daring” to describe this film, for which a corporation called Time Warner ponied up more than \$100 million and whose ideology is shared by the vast majority of those who make up the cultural community in the West, from the most recent Nobel literature laureate to Michael Moore, best-selling author and Oscar-winning director of the smash hit *Fahrenheit 9/11*.

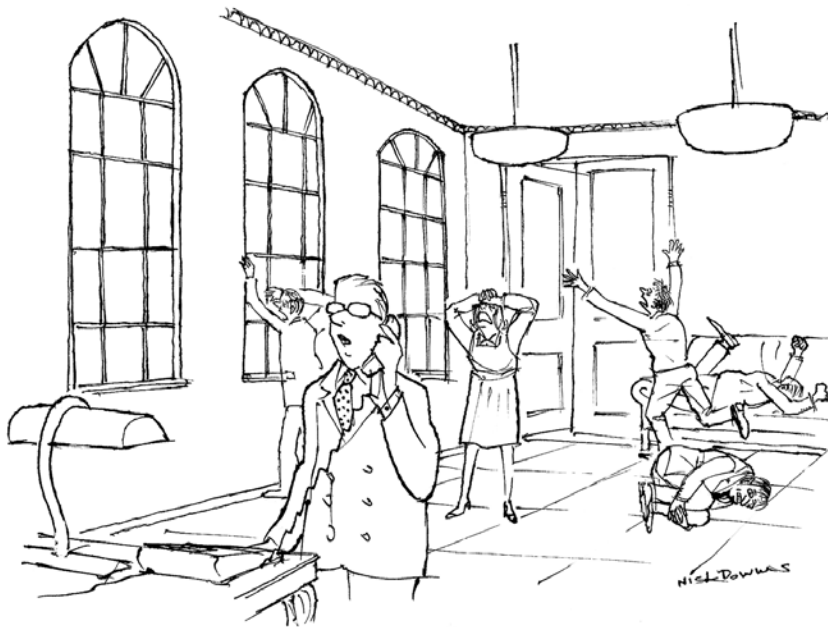
It might have been subversive had V's erotic leanings mirrored those of the movie's co-screenwriter Larry Wachowski, who left his wife four years ago to become a preoperative transsexual named “Laurenca” living under the domination of a professional sadist named Mistress Ilsa Strix, to whom (according to *Rolling Stone*) he has transferred most of his possessions. But then, nobody would go see the film.

At this point, the only genuinely subversive Hollywood movie about the war on terror would be one in which Osama bin Laden is the villain, George W. Bush and Tony Blair are the heroes, and al Qaeda and Saddam Hussein are in cahoots. ♦

V for Vendetta
Directed by James McTeigue

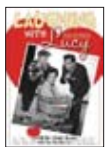


John Podhoretz, a columnist for the New York Post, is THE WEEKLY STANDARD's movie critic.



"No, you have reached the New-York Hysterical Society."

Books in Brief



***Laughing With Lucy: My Life With America's Leading Lady of Comedy* by Madelyn Pugh Davis with Bob Carroll Jr. (Emmis, 288 pp., \$19.95).**

Madelyn Pugh Davis has collaborated with her longtime writing partner Bob Carroll Jr. to produce a gracefully written memoir of the five decades she and Carroll spent churning out hundreds of scripts for Lucille Ball's radio and television shows, most notably *I Love Lucy*.

Davis warns in the first chapter that her book is not a tell-all about the people she used to work with. She steers far away from any discussion of Ball's stormy relationship with costar and real-life husband Desi Arnaz or his high profile drinking, gambling, and womanizing, which have been chronicled by Ball's biographers. (One of the reasons they decided to create *I Love Lucy* was to save their marriage. They had filed for divorce once before.)

One thing about Ball is clear: Though in the public eye her persona collided with her character's, Ball had little in common with the bubbly, child-like Lucy Ricardo. Davis offers flashes of insight: "Everyone is complicated and Lucy was more complicated than most. . . . She wasn't exactly known for her tact. She was often blunt and had trouble expressing herself." Still, Davis writes, Ball was "a beautiful clown . . . a comedy writer's dream. She made whatever you wrote look great."

She gently clarifies a bit of the show's mythology. Vivian Vance, who played Ethel Mertz, was not contractually obligated to weigh 20 pounds more than Ball, as Vance sometimes claimed. Guest star and famed stage actress Tallulah Bankhead did shock the crew one day by pulling off her pants at a meeting. (The topic of the meeting—until Bankhead crashed it—was supposed to be how to deal with her outrageous behavior.)

Davis is sincere in her praise of Desi Arnaz, whose contribution to the show has been overlooked. One

of the reasons *I Love Lucy* reruns can be seen today is thanks to a deal he negotiated to film the show live in Los Angeles. Back then, most television shows were made in New York, because the largest audience was on the East Coast. Since there was no coaxial cable and videotape had not yet been invented, the rest of the country watched a fuzzy kinescope version. Indeed, most early television shows survive only as poor-quality kinescopes.

Lucy and Desi wanted to stay in Los Angeles, so Desi came up with the idea of filming the show in front of a studio audience in one take, if possible. The show would then be edited, and CBS would broadcast it later. To make up for the extra expense, the Arnazes took a big pay cut, and, in exchange, owned the rights to the shows. Their success prompted much of the television industry to eventually move its home base out west.

How they came up with story lines is the most interesting material. Often they would start with an ending first—one that would display Ball's unmatched ability to perform physical comedy, like dipping candy or grape-stomping—and then figure out how to get her there. She and Carroll drew many of the storylines and characters from their own lives.

Davis was in charge of trying all of Lucy's stunts beforehand—like getting rolled up in a rug or smashing eggs in her blouse—to make sure they were appropriate for a woman to do. She also had the delicate task of supervising Ball's wardrobe. Beautifully attired on TV as she was, Ball apparently had a difficult time choosing flattering clothes.

Dishy? No. Groundbreaking? No. Entertaining? Yes.

—Rachel DiCarlo

Alan Greenspan has a book deal, and it has put him once again in rarefied financial company. No dollar amounts were released by the Penguin Press, which announced the acquisition of the Greenspan book yesterday. . . . Penguin executives emphasized that the book, scheduled for publication in 2007, would present Greenspan's unvarnished opinions for the first time.
—Washington Post, March 8

Parody

GREENSPAN!

It had been a particularly grueling session, and as I wearily emerged from the hearing room to face the press, I found myself feeling especially sorry for myself. It was at that moment, from among the cacophony of shouted questions, that one reporter's voice and face seemed to stand out from the rest: Her name was Andrea Mitchell, she was with NBC News, and the second I saw her, all those decades of investment in monetary policy instantly melted.

I had seen a lot of women in my years at the Federal Reserve, whether scuttling in and out of meetings of the Open Market Committee, or pondering the mysteries of consumer spending. But Andrea was different. Her eyes smoldered like asset prices, and the deceleration in her voice hit me with all the force of an unexpected drop in demand for capital goods. I couldn't help noticing that she had a significant overcapacity where it counted, and as I examined her various sectors, I found myself struggling to stabilize my emotions. You could survey world markets, you could look for tentative signals of weakness or recovery, but this sultry, petite, raven-haired broadcast journalist had all the virtues of an expanding economy without the vagaries of the business cycle.

As if by instinct, I pulled her from the corridor into the doorway of the Committee on Financial Services, and held her close: "I know you know about my disposable personal income," I whispered, "and I've heard about your accommodative conditions. Would merger discussions be premature at this juncture?"

